



THE EVALUATION OF THE DOMESTIC VIOLENCE COURTS:
THEIR FUNCTIONING AND EFFECTS IN THE FIRST EIGHTEEN MONTHS
OF OPERATION, 1998 TO 1999

A report to:

Ministry of the Attorney General of Ontario

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TABLE OF CONTENTS

CHAPTER 1: INTRODUCTION	1
Two Approaches to the Processing of Domestic Violence Cases	1
1. The Early Intervention Model	1
2. The Coordinated Prosecution Model	2
3. Similarities between the Two Models	2
Resources	3
The Logic Model for the Domestic Violence Courts Project	4
This Evaluation	6
The Organization of this Report	6
 CHAPTER 2: RECENT RESEARCH FINDINGS ON THE CRIMINAL JUSTICE PROCESSING OF DOMESTIC VIOLENCE CASES	 8
Police Practices	8
Crown Decision-making	11
Specialized Domestic Violence Courts	12
Court-ordered Treatment Programs for Domestic Violence	14
 CHAPTER 3: RESEARCH METHODS	 16
Interviews with Project Personnel and Site Visits	16
File Data Collection from Crown Briefs and Victim/Witness Files	16
1. The Early Intervention Courts in Peel and Durham Regions	16
<i>Entry Criteria</i>	17
<i>Background Characteristics of the Accused and Victim</i>	17
<i>Incident Characteristics</i>	19
<i>Summary</i>	19
2. The Coordinated Prosecution Courts in Ottawa, London, and Hamilton	20
<i>The Sampling of Project Cases</i>	20
<i>The Selection of Pre-program Comparison Groups</i>	21
Interviews with Domestic Violence Victims	23
1. The Interview Guide and Pre-test	23
2. Sample Selection, Comparison Sites, and Sample Size	23
3. Procedures	25
4. Obstacles Encountered: The Generalizability of the Findings	27
5. Summary	28
The Abusive Men's Programs	29
1. Site Visits and Interviews	29
2. Data Collection	30

	<i>Instrumentation</i>	30
	<i>Design and Procedures</i>	31
3.	Sample Size	31
4.	Obstacles Encountered	33
5.	Limitations of the Data	34
CHAPTER 4: THE DEVELOPMENT AND FUNCTIONING OF THE DOMESTIC VIOLENCE COURTS PROJECT		36
Early Intervention Projects		36
1.	The Peel Domestic Violence Project	36
	<i>Police Practices</i>	37
	<i>The Process</i>	38
	<i>Domestic Violence Court Monitoring Committee</i>	39
	<i>Project Issues in Peel</i>	40
2.	The Domestic Violence Project in Durham Region	41
	<i>Police Practices</i>	41
	<i>The Process</i>	42
	<i>Local Coordinating Committee</i>	43
	<i>Project Issues in Durham</i>	43
3.	North Bay Domestic Violence Project	44
	<i>Police Practices</i>	44
	<i>The Process</i>	46
	<i>Domestic Violence Court Project Steering Committee</i>	47
	<i>Project Issues in North Bay</i>	47
The Coordinated Prosecution Model		49
1.	Ottawa Domestic Violence Court	49
	<i>Police Practices</i>	49
	<i>The Process</i>	51
	<i>Partner Assault Support Team (PAST)</i>	52
	<i>Project Issues in Ottawa</i>	53
2.	London Domestic Violence Court	
	<i>Police Practices</i>	
	<i>The Process</i>	56
	<i>Domestic Court Advisory Committee</i>	57
	<i>Project Issues in London</i>	58
3.	Hamilton Domestic Violence Court	59
	<i>Police Practices</i>	59
	<i>The Process</i>	60
	<i>Domestic Violence Coordinating Committee</i>	61
	<i>Project Issues in Hamilton</i>	62
Summary		63
1.	Early Intervention Sites	63
2.	Coordinated Prosecution Sites	63

CHAPTER 5: COMPARISONS OF CASE PROCESSING AND OUTCOMES, PRE- AND POST-PROJECT	65
The Offences Dealt with by Project Courts	65
Police and Crown Practices: Have Investigations Changed?	68
Pre-trial Detention	76
Victim Contacts with Victim/Witness Staff and Crown Attorneys	84
1. Victim Contacts with VWAP Staff and Crowns in the Early Intervention Sites	84
2. Victim Contacts with VWAP Staff and Crowns in the Coordinated Prosecution Sites	85
Cases with Trial Dates and Trials in the Early Intervention Sites	88
Cases with Trial Dates and Trials in the Coordinated Prosecution Sites	89
Court Resources and Processing Times	98
1. Number of Hearings	98
2. Processing Times	100
Case Outcomes and Sentencing	104
1. Case Outcomes	104
2. Sentencing	106
 CHAPTER 6: FACTORS AFFECTING CASE PROCESSING IN THE DOMESTIC VIOLENCE COURTS	 115
Factors Affecting Victim Willingness to Testify	115
Factors Affecting Trial Dates	119
1. Victim Willingness and Other Factors	119
2. The Role Played by the Coordinated Prosecution Factors in Each Site	121
3. Summary	128
Factors Affecting Case Outcomes	129
1. Victim Willingness and Other Factors	129
2. The Role Played by the Coordinated Prosecution Factors in Each Site	130
3. Summary	133
Factors Affecting Processing Times	134
1. Ottawa	136
2. London	138
3. Hamilton	140
4. Summary	142
Factors Affecting the Sentence	143
Summary	144
 CHAPTER 7: VICTIM EXPERIENCES AND PERSPECTIVES	 146

Respondent Relationship with the Accused	146
Respondent Experiences with the Police	148
Detention by Police and Judicial Interim Release	151
Videotapes of Victim Interviews	155
Victim Experiences with the Courts	157
1. Respondent Meetings with VWAP Staff and Crown Attorneys	157
2. Explanations of the Court Process	160
3. Frequency and Timing of Meetings with Crowns and VWAP Staff	161
4. Respondents' Feelings of Fairness and Support from Crowns and VWAP staff	164
5. The Provision of Information to Respondents	169
Respondents Who Testified at Trial	171
Satisfaction with the Outcome of the Case	173
Respondents' Feelings of Safety and Use of Community Resources	175
Treatment Conditions: Partners of Respondents	178
Respondent Recommendations	180
1. Exercise of Discretion	180
2. Information Needs	181
3. Court Processing	181
4. Support from VWAP and the Community for Victims	183
5. Policing	184
6. Key Recommendations	184
Summary	186
 CHAPTER 8: ABUSIVE MEN'S PROGRAMS	 188
An Overview of the Programs	188
1. Peel Region	188
<i>Family Services of Peel</i>	189
<i>Catholic Family Services of Peel/Dufferin</i>	190
<i>The Salvation Army</i>	191
<i>A Profile of Peel Region Clients</i>	191
2. North Bay	193
3. Durham	194
<i>A Profile of Durham Region Clients</i>	196
3. Ottawa	197
<i>A Profile of Ottawa Clients</i>	200
4. London	201
<i>A Profile of London Clients</i>	203
5. Hamilton	204
<i>A Profile of Hamilton Clients</i>	205
Implementation and Operational Issues	207
The Characteristics of Program Participants and Program Process	208

1.	Social and Demographic Characteristics	208
2.	Program Process	219
	Partner-completed Abusive Behaviour Questionnaires	226
1.	The Association between Partner and Offender Reports of Abuse	226
2.	Do Partners Report Changes in Offenders' Abusive Behaviour?	228
3.	Summary	229
	Offender Reports of Abusive Behaviour	230
1.	Changes in Offender-reported Abusive Behaviour after Program Participation	231
2.	Changes in Offender-reported Abusive Behaviour by Site	231
3.	Differences by Site in Offender-reported Abusive Behaviour	231
	Victim Views of Abusive Men's Programs	233
	Comparison of Program Participants from Early Intervention and Coordinated Prosecution Sites	234
	Differences Between Program Completers and Non-completers	237
	Offender Perceptions of their Justice System Experience and the Abusive Men's Programs	238
	Fees and Funding of the Abusive Men's Programs	244
	Summary	245
	 CHAPTER 9: CONCLUSIONS AND RECOMMENDATIONS	 246
	More Effective Prosecution of Domestic Violence Cases	247
1.	The Availability of Enhanced Prosecution Tools	247
2.	Did the Enhanced Prosecution Tools Produce More Effective Prosecutions?	248
3.	Other Activities Related to this Objective	249
	Early Intervention in Domestic Violence Cases	251
1.	Case Processing Times	251
2.	Prompt Treatment of Offenders	252
	Improved Support for Victims	253
1.	Contacts between Victims and Crowns and Staff of the Victim/Witness Assistance Program	253
2.	Services to Victims	253
3.	Bail Conditions of Non-association with the Victim	255
4.	Breaches of Bail and Probation Violations	255
	Increasing Offender Accountability	256
	The Achievement of Project Objectives	258
1.	Faster Court Processing	258
2.	More Guilty Pleas and Guilty Findings	258
3.	Victims Who Are More Cooperative with Court Proceedings	260
4.	More Domestic Violence Treatment	260
5.	Greater Victim Satisfaction and Feelings of Safety	261
	Recommendations	263

Bibliography	267
Appendix A: Tables on Case Characteristics	270

LIST OF FIGURES

Figure 1	The Logic Model	4
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LIST OF TABLES

CHAPTER 3: RESEARCH METHODS

Table 3.1	The Early Intervention Courts: Differences in Entry Criteria Pre- and Post-program	17
Table 3.2	The Early Intervention Courts: Differences in Background Characteristics Pre- and Post-program	18
Table 3.3	The Early Intervention Courts: Differences in Incident Characteristics Pre- and Post-program	19
Table 3.4	Victim Consents and Interview Outcomes	24
Table 3.5	Data Collection Instruments Received from the Abusive Men's Programs, by Site	32

CHAPTER 5: A COMPARISON OF CASE PROCESSING AND OUTCOMES, PRE- AND POST-PROJECT

Table 5.1	The Most Serious Charge in the Case	66
Table 5.2	The Number of Charges	67
Table 5.3	Crown Requests for Audiotapes of 911 Calls	68
Table 5.4	Videotaped Statements	70
Table 5.5	Number of Witness Statements Taken by Police	71
Table 5.6	Number of Witness Statements Taken in Comparison to the Number of Witnesses	72
Table 5.7	Photographs of Victim Injuries: Victims with Visible Injuries	73
Table 5.8	Was the Victim Asked for Consent to the Release of Medical Records?: Victims Who Received Medical Treatment	74
Table 5.9	Crown Requests for Past Domestic Incidents involving the Accused	75
Table 5.10	Police Detention of Accused Persons	76
Table 5.11	Judicial Interim Release Decisions	78
Table 5.12	Conditions of Judicial Interim Release, in Percentages	79
Table 5.13	Percentage of the Released Sample Prohibited from Associating with the Victim	80

Table 5.14	Bail Variations to Remove the Condition of Non-association with the Victim in the Early Intervention Sites	81
Table 5.15	Variations of Bail Conditions in the Coordinated Prosecution Sites	82
Table 5.16	Victim Contact with VWAP and Crown Attorneys in the Coordinated Prosecution Courts	86
Table 5.17	Cases with Trial Dates and Trials in Early Intervention Sites	88
Table 5.18	Changes in the Nature of the Plea, from Not Guilty to Guilty, Coordinated Prosecution Sites	89
Table 5.19	Cases with Trial Dates and Trials in the Coordinated Prosecution Sites	90
Table 5.20	Cases with Trial Dates that Resulted in a Trial in the Coordinated Prosecution Sites	91
Table 5.21	The Reason Why No Trial Took Place in the Coordinated Prosecution Sites	91
Table 5.22	The Nature of the Evidence Introduced at Trial in the Coordinated Prosecution Sites	92
Table 5.23	The Nature of the Evidence Introduced at Trial by Whether the Accused Was Found Guilty (Pre- and Post-program Data)	94
Table 5.24	The Case Outcomes of Trial Cases and of Cases with Trial Dates in the Coordinated Prosecution Sites	96
Table 5.25	Number of Court Hearings	98
Table 5.26	Number of Court Hearings by Whether a Trial Date Was Set	99
Table 5.27	Days between the Main Decision Points in the Early Intervention Sites	100
Table 5.28	Days between the Main Decision Points in the Coordinated Prosecution Sites	102
Table 5.29	Days from the First to the Final Hearing by Whether a Trial Date Was Set in the Coordinated Prosecution Sites	103
Table 5.30	Case Outcome: The Type of Adjudication	105
Table 5.31	The Most Serious Sentence Imposed (detailed version)	107
Table 5.32	Sentence by Prior Convictions in Ottawa	108
Table 5.33	Sentence by Prior Convictions in London	109
Table 5.34	Sentence by Prior Convictions in Hamilton	110
Table 5.35	Custodial Sentences by Prior Convictions for Domestic Violence in the Coordinated Prosecution Sites	111
Table 5.36	The Number of Months of Probation	112
Table 5.37	The Number of Days Sentenced to Intermittent and Other Custody in Coordinated Prosecution Sites	112
Table 5.38	Firearm Prohibitions/Prohibitions against Acquiring a Firearm License	113
Table 5.39	Treatment Conditions on Probation Orders	114

CHAPTER 6: FACTORS AFFECTING CASE PROCESSING IN THE DOMESTIC VIOLENCE COURTS

Table 6.1	The Relationships between Victim Willingness to Cooperate with the Court Process and Other Factors, Pre- and Post-program
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	in All Coordinated Prosecution Sites	116
Table 6.2	Factors Affecting Victim Willingness to Cooperate with the Court Process, Pre- and Post-program in All Coordinated Prosecution Sites	117
Table 6.3	The Relationships between Trial Dates and Other Factors, Pre- and Post-program in All Coordinated Prosecution Sites	119
Table 6.4	Factors (Including Victim Willingness) Affecting Trial Dates, Pre- and Post-program in All Coordinated Prosecution Sites	121
Table 6.5	The Relationships between Legal, Situational, and Enhanced Prosecution Factors and Setting a Trial Date, Post-program in the Coordinated Prosecution Sites, by Site	122
Table 6.6	Legal, Situational, and Enhanced Prosecution Variables Affecting Setting a Trial Date, Post-program in Ottawa	125
Table 6.7	Legal, Situational, and Enhanced Prosecution Variables Affecting Setting a Trial Date, Post-program in London	126
Table 6.8	Legal, Situational, and Enhanced Prosecution Variables Affecting Setting a Trial Date, Post-program in Hamilton	127
Table 6.9	Factors (Including Victim Willingness) Affecting the Case Outcome, Pre- and Post-program in All Coordinated Prosecution Sites	130
Table 6.10	Legal, Situational, and Enhanced Prosecution Variables Affecting the Case Outcome, Post-program in Ottawa	131
Table 6.11	Legal, Situational, and Enhanced Prosecution Variables Affecting the Case Outcome, Post-program in London	132
Table 6.12	Legal, Situational, and Enhanced Prosecution Variables Affecting the Case Outcome, Post-program in Hamilton	133
Table 6.13	The Relationships between the Length of the Court Process in Days to Other Factors, Pre- and Post-program, in the Coordinated Prosecution Sites, by Site	135
Table 6.14	Factors Affecting the Number of Days from First to Last Hearing, Ottawa	138
Table 6.15	Factors Affecting the Number of Days from First to Last Hearing, London	139
Table 6.16	Factors Affecting the Number of Days from First to Last Hearing, Guilty Plea Cases in Hamilton	140
Table 6.17	Factors Affecting the Number of Days from First to Last Hearing, Trial Date Cases in Hamilton	141
Table 6.18	Factors Affecting the Sentence in the Coordinated Prosecution Sites, by Site	143

CHAPTER 7: VICTIM EXPERIENCES AND PERSPECTIVES

Table 7.1	Respondent-Accused Relationship Status at the Time of Interview	147
Table 7.2	Respondent Satisfaction with Police	148
Table 7.3	Respondent's Willingness to Call Police	150
Table 7.4	Accused Removed from Home by Police	151

Table 7.5	Conditions of Release on Bail	152
Table 7.6	Police Requests for a Videotaped Statement	155
Table 7.7	Respondent Contact with Victim/Witness Program Staff and the Crown	157
Table 7.8	In-person and Telephone Meetings with Victim/Witness Program Staff and the Crown	159
Table 7.9	Court Process Explanations	160
Table 7.10	Meetings with Crown Attorneys	162
Table 7.11	Meetings with Victim/Witness Program Staff	163
Table 7.12	Respondents' Feelings of Fair Treatment by the Crown Attorney	165
Table 7.13	Respondents' Feelings of Fair Treatment by the Victim/Witness Program	166
Table 7.14	Respondents' Feelings of Support from Crowns and the Victim/Witness Program	168
Table 7.15	The Adequacy of Information Received on the Criminal Justice Process	169
Table 7.16	Respondents' Experience in Testifying at Trial	171
Table 7.17	Respondent Satisfaction with the Case Outcome	173
Table 7.18	Feelings of Safety and Safety Planning	175
Table 7.19	Community Service Information	176
Table 7.20	Respondents' Use of Community Services	177
Table 7.21	Referral of Offenders to Treatment Programs	178

CHAPTER 8: ABUSIVE MEN'S PROGRAMS

Table 8.1	Main Language of Program Participants	210
Table 8.2	Employment Status	211
Table 8.3	Education Level	211
Table 8.4	Income Level	212
Table 8.5	Income Source	212
Table 8.6	Living Arrangement at Offence	213
Table 8.7	Offender-Victim Relationship at Intake	214
Table 8.8	Offender-Victim Relationship Status at Program Completion	215
Table 8.9	Prior Police Involvement in Domestic Disputes	215
Table 8.10	Domestic Violence History with the Same Victim	216
Table 8.11	Domestic Violence History with Other Victims and Past Peace Bonds	216
Table 8.12	Substance Abuse Problems, Treatment, and Involvement in Current Offence	217
Table 8.13	Mental Health Treatment and Problems	218
Table 8.14	Anger Management Treatment	218
Table 8.15	Family Counselling and Domestic Violence Treatment	219
Table 8.16	Completion Status	221
Table 8.17	Reasons for Failure to Complete	222
Table 8.18	Outcome of the Offender's Failure to Complete Program	222
Table 8.19	Partner (Victim) Contacts by the Abusive Men's Programs	223
Table 8.20	Services Provided to Partners (Victims) by the Programs	224
Table 8.21	Fees Requested of and Paid by Offenders	224

Table 8.22	Referral of Offenders to Services	225
Table 8.23	Partner and Offender Paired Mean Scores on the Abusive Behaviour Questionnaire	227
Table 8.24	Mean Scores for Abusive Behaviour Questionnaire, Offender Self-report, by Site	230
Table 8.25	Mean Scores for Abusive Behaviour Questionnaire in the Early Intervention and Coordinated Prosecution Sites, Offender Self-report	236
Table 8.26	Offenders' Views of the Police Handling of the Incident	240
Table 8.27	Offenders' Satisfaction with the Outcome of the Charges	240
Table 8.28	Offenders' Views of the Court's Handling of the Matter	240
Table 8.29	Did the Offender Have Enough Information to Make the Best Choices?	241
Table 8.30	Offenders' Views of Batterer Treatment	241
Table 8.31	Offenders' Perceptions of the Help Provided by the Abusive Men's Program	241
Table 8.32	Offenders' Perceptions of the Program's Effects on their Attitudes towards Women	242
Table 8.33	Offenders' Perceptions of the Program's Effects on their Behaviour towards Women	242
Table 8.34	Offenders' Perceptions of the Program's Effects on the Likelihood of Future Violence against Women	242
Table 8.35	Would the Offender Recommend this Program to Others Who Have Abused Women	243
Table 8.36	The Average Fee Requested by the Income Level of the Offender	244

CHAPTER 1: INTRODUCTION

The objectives of the Domestic Violence Courts Project that began in six Ontario communities in late 1997 and 1998 are to:

- prosecute and manage domestic assault cases more effectively
- intervene early in abusive domestic situations
- provide better support to victims
- increase offender accountability.

The Project is designed to address the difficulties presented by current approaches to investigating and prosecuting domestic assaults by concentrating more resources on victims early in the process. Additional resources are intended both to provide better support to victims and to ensure that their abusive partners are held accountable. These efforts are expected to increase the support for criminal proceedings among domestic assault victims.

In mid-1997, the Ministry of the Attorney General of Ontario announced that six pilot Domestic Violence Courts would be established in several cities across the province. The communities selected were Peel, Durham, North Bay, Ottawa, London, and Hamilton. The Projects became operational on different dates, ranging from December 1997 to June 1998.

Two Approaches to the Processing of Domestic Violence Cases

Three of the six sites have been assigned to the early intervention or North York model and three to the coordinated prosecution¹ or Toronto model. The two approaches were first piloted in the Provincial Courts in North York and in Old City Hall in Toronto, beginning in late 1996.

1. The Early Intervention Model

In cases where the victim has not suffered significant harm, first offenders who are willing to enter an abusive men's program² are eligible for this model. The accused pleads guilty and, as a condition of bail, attends a 16 to 20 week program for male batterers. In addition to not having past findings of guilt for domestic violence and not having caused significant harm, eligible accused must not have used a weapon. The victim is to be consulted about the accused's participation in the Project. If the offender completes an abusive men's program successfully, the Crown recommends that a conditional discharge be imposed, so that the offender does not have a criminal record. The final sentencing decision is always at the discretion of the judge. This approach is based on the recognition

¹ The coordinated prosecution model was originally termed enhanced prosecution.

² In this report, the terms abusive men's programs and batterers' programs are used interchangeably. The formal term is now "partner assault response programs".

that (a) early treatment intervention may halt an emerging pattern of partner violence and (b) many victims of domestic violence wish to continue their relationship and reconciliation can be more difficult after an adversarial court process.

The early intervention model has three objectives:

- to encourage offenders to take responsibility for their abusive behaviour;
- to provide offenders with both a consequence for their actions and re-education by means of programming directly related to woman abuse; and,
- to ensure basic support and community agency referrals to women victims during the criminal justice process and during offender participation in the abusive men's program.

2. The Coordinated Prosecution Model

First piloted at the Old City Hall Court in Toronto, this model involves a specialized court that deals with all domestic violence cases. There is a specialized team of police, Crown attorneys, and staff of the Victim/Witness Assistance Program (VWAP) who work together to provide victims with more support and information, and to prosecute domestic violence cases more effectively. Crown attorneys frequently ask police to collect evidence in addition to the victim's statement, such as audiotapes of the 911 call, medical records of the victim, photographs of injuries, interviews with family and neighbours, and videotapes of victim statements. Unlike the early intervention approach, coordinated prosecutions require more police efforts to collect evidence of the abuse.

One court in Old City Hall deals with domestic assault matters from certain police divisions. The court was arranged after negotiations with the judiciary. The existence of a single court assists in the assignment of the specialized Crowns to prosecute cases. Another feature is the expectation that the specialized Crowns will be assigned to a case early in the process and will be responsible for the case until its completion. Other aspects of coordinated prosecution are Crown and VWAP meetings with victims early in the process; better and more evidence from the police; and a commitment to prosecution in cases where there is a reasonable prospect of conviction.

3. Similarities between the Two Models

In both models, the victim is asked to meet Crown attorneys and Victim/Witness Program staff early in the proceedings. At these meetings, the victim is told about the Domestic Violence Court, helped to feel more comfortable with the court process, and provided with information about community services and given advice on safety planning. In the early intervention sites there is no expectation that there will be ongoing victim contact with VWAP or the Crown; staff of the abusive men's programs are required to initiate and maintain contact with the victim during the offender's program participation.

The expectation in both approaches is that accused persons will be dealt with in an efficient manner in order that targeted interventions – that is, referral to a specialized abusive men's program, rather than anger management or other interventions – can take place as quickly as possible after the offence. Offenders in the early intervention sites attend a batterers' program while still on bail, and attendance is made a condition of bail. Offenders in coordinated prosecution sites attend the specialized program as a condition of probation. Therefore, referrals to specialized treatment programs for abusive men are to be employed in both models. As noted, treatment program staff are to undertake victim contacts in order to ensure that the victim remains safe while the offender is in the program, and to inform the victim about the offender's attendance. The abusive men's programs in all sites are funded in part by the Ministry of the Solicitor General and in part by the offender who pays a fee based on ability to pay. The programs are delivered by a variety of community agencies, all of which are non-profit.

The original North York and Toronto projects provide only a broad framework for the operation of the courts in the six locations being evaluated here. Although three of the six sites are based on the North York model, and three on the Toronto model, each court is designed and operated in response to the needs and circumstances of the community it serves. Because of their local environments, Projects using the same model may differ among themselves. The Projects described in this report may not be directly comparable to the original programs.

Resources

The Ministry of the Attorney General of Ontario allocated additional Assistant Crown attorneys and VWAP staff to the three coordinated prosecution courts – Ottawa, London, and Hamilton – and additional VWAP staff only to the early intervention courts in Peel, Durham, and North Bay.

The Ministry of the Solicitor General contracts with eight abusive men's programs to provide services to all six courts. (In Peel Region, there are three programs.) Each program receives \$450 per Project referral in addition to a fee for service obtained from offenders.

Police services did not receive additional funding for the implementation of the Domestic Violence Courts Project. This is not an issue in the early intervention sites, because improvements in police investigations are not a component of the model. In the coordinated prosecution approach, police services have been asked to provide additional services with the same police resources.

The Ministry of Correctional Services is responsible for supervising Project offenders who receive probation. The Ministry did not receive additional funds for the DVC Projects.

The Ministry of Citizenship has developed a cultural interpreter program to provide assistance to Crown attorneys and VWAP staff in their meetings with victims.

The Logic Model for the Domestic Violence Courts Project

Figure 1 presents what is termed a logic model in evaluation research – a depiction of what is expected from the Project, how its objectives are to be achieved, the expected effects in the short to medium term, and the longer term outcomes.

Figure 1 The Logic Model

Rationale for the Project			
<ul style="list-style-type: none"> ◆ Variations by court location in the ways in which the criminal justice system processes domestic violence (DV) offences ◆ Rates of withdrawals and dismissals that could be improved by the collection of better evidence and more support for victims ◆ Court processing times that are costly, may increase the likelihood of victim reluctance to cooperate, and result in delays in offenders receiving treatment ◆ The rehabilitative potential of specialized treatment programs for DV offenders – those that specialize in "power and control" issues – may reduce recidivism ◆ Some victims may want to resume their relationship with the offender if he receives treatment for the abuse and such reconciliation is hindered by justice system processing (early intervention). 			
Project Objectives			
To investigate & prosecute DV cases more effectively	To intervene early in domestic violence cases	To improve support for victims	To increase offender accountability
Activities			
Collect more & improved statements from witnesses	Encourage early guilty pleas by enhanced evidence, conditional discharge (both models)	Provide early, pre-trial information to victims	Encourage early guilty pleas by enhanced evidence, conditional discharge
Obtain audiotapes of 911 calls	Screen & refer consenting accused to treatment quickly (early intervention)	Obtain victim input re partner's participation in treatment (early intervention)	Maintain no contact conditions until acknowledgement of responsibility (early intervention)
Obtain videotaped victim statements	Refer and enrol cases into specialized treatment quickly (coordinated prosecution)	Provide victims with safety planning	Reduce use of peace bonds
Take photographs of victim injuries & the scene of the incident	Establish a special court or docket for DV cases (coordinated prosecution)	Ensure that victims are aware of community services	Monitor compliance with bail/probation conditions & breach if non-compliance
Obtain medical records of the victim		Ensure that victim is protected during court process by no contact conditions, under certain circumstances	Recommend that offenders be referred to specialized treatment

Project Objectives			
To investigate & prosecute DV cases more effectively	To intervene early in domestic violence cases	To improve support for victims	To increase offender accountability
Activities			
<p>Crown to prosecute cases where reasonable prospects of conviction exists</p> <p>Meet with the victim early in the process</p> <p>Assign specialized DV Crowns to handle all cases</p> <p>Ensure that the same Crown meets with victim & prosecutes case</p> <p>Establish a special court or docket for DV cases</p>		<p>Contact victims during partner's participation in treatment</p> <p>Breach offenders if they violate no contact conditions, other safety-related conditions</p>	
Anticipated Effects			
<p>Faster court processing of DV cases</p> <p>Higher rates of guilty pleas & guilty findings</p> <p>Fewer withdrawn cases because of lack of victim cooperation</p> <p>More support for victims</p>	<p>Faster court processing</p> <p>More offenders receiving DV treatment sooner</p> <p>Greater victim satisfaction with the outcome (early intervention sites, especially)</p>	<p>Reduction in pressure on victim to withdraw cooperation</p> <p>Greater victim satisfaction with their handling</p> <p>More victim knowledge of community resources available</p> <p>Improvements in victim feelings of safety</p>	<p>Faster court processing & quicker application of "consequences"</p> <p>Higher rates of guilty pleas & guilty findings</p> <p>Fewer peace bonds</p> <p>More offenders receiving specialized treatment</p>
Longer-term Outcomes			
<ul style="list-style-type: none"> ◆ Improved consistency in the criminal justice processing of domestic violence ◆ Decreased rates of recidivism of offenders, i.e., increase in specific deterrence ◆ Improved victim and community safety, including an increase in general deterrence ◆ Improved victim perceptions of the criminal justice process. 			

This Evaluation

This evaluation was conducted during the first 16 to 18 months of operation of the six Domestic Violence Court Projects. In the Hamilton Domestic Violence Court, however, less than one year of operation is covered by the data presented in this report. The Hamilton Project did not become fully operational until September 1998 and data collection ended about nine months later. Therefore, especially in Hamilton – but actually in all Project courts – the findings may not be representative of longer term effects. Systems are slow to change and a lengthier period of assessment would have been desirable. The information on the first year to year and a half of functioning may not be a fair test of the two models in achieving their objectives. Some findings may not be representative of the longer term operations of the Projects.

Furthermore, it did not prove possible during the evaluation period to undertake follow-up of the official recidivism of the accused persons dealt with by the Project Courts and abusive men's programs.

In essence, this report represents a snapshot of the start-up and early functioning of the two models, not a definitive evaluation of their longer term operation.

The Organization of this Report

This report is organized as follows. Chapter 2 contains a brief review of the research and evaluation literature on the criminal justice processing of domestic violence cases. In Chapter 3, we describe the evaluation methodology. Primarily qualitative descriptions of the six Projects are found in Chapter 4. This evaluation uses a "pre-/post design" and the findings for key variables – a comparison of the case processing of samples before and after the start-up of the Projects – are in Chapter 5. Chapter 6 presents the results of the multivariate statistical analysis of five factors related to improvements in the criminal justice responses to domestic violence: the victim's willingness to cooperate with the prosecution; the accused's decision to set a trial date; case outcomes (findings of guilt versus other outcomes); the length of time to complete domestic violence cases; and, the sentences imposed.

Victim perceptions of the criminal justice system are described in Chapter 7. Victim experiences in the Project courts are compared to those in two comparison sites.

The operations of the eight batterers' programs associated with the Domestic Violence Courts Project are assessed in Chapter 8. The analysis includes data on completion rates and the self-reported abusive behaviour of offenders referred to the contracted abusive men's programs.

Chapter 9 organizes the conclusions of the evaluation in terms of the objectives of the Project and presents a number of recommendations.

Appendix A contains socio-demographic and incident information on the cases dealt with by the Project courts. Appendix B describes the eight batterers' programs associated with the Project.

CHAPTER 2: RECENT RESEARCH FINDINGS ON THE CRIMINAL JUSTICE PROCESSING OF DOMESTIC VIOLENCE CASES

This brief review of recent research and evaluation studies provides a context from which to interpret the findings from the analyses of quantitative and qualitative data in subsequent chapters.

Police Practices

Police policies and practices with regard to charging persons suspected of domestic violence are important factors in any examination of the subsequent steps in the criminal justice process. Before the 1980s, police were accustomed to mediating in domestic disputes and to separating the offender from the victim by temporarily removing the abuser from the home. Abusers were not generally charged unless the offence was deemed serious. Since then, mandatory charging has greatly affected the types of cases coming to court.

The impetus for mandatory charging of suspected wife assaulters, which began in the early 1980s throughout North America, came from both advocates for women and social science research. United States research funded by the National Institute of Justice found that arrest of domestic violence suspects was more effective in preventing further violence in a six month period than either mediation or removal of the suspect from the home for a short period of time. However, researchers responsible for the Minneapolis Domestic Violence Experiment subsequently modified their initial recommendation in favour of mandatory arrest after similar research was done in other cities. The replication studies found that mandatory arrest was not as effective as in Minneapolis although their findings are inconsistent. In three sites, arrested accused were *more* likely to be reported for abuse of their partners after police contact; and in the other three locales, the experiment found some evidence of the deterrent effect of arrest (Sherman, 1992). There was, however, one consistent finding across most sites – arrest tends to increase repeat offending among unemployed persons and decreases it among those suspects who are employed. It may be that employed suspects have more to lose by the arrest and hence are more likely to be deterred by the experience; this phenomenon has been termed a "stake in conformity".

The findings of the United States studies of pro-arrest policies have been much criticized on methodological grounds. An especially cogent criticism is that the original study and replication research paid inadequate attention to what happened after the arrest: the research did not take into account the impact of post-arrest decisions by the prosecutor and the courts³ (Zorza, 1998). Zorza concludes that: "While mandatory arrest may have

³

In the United States, the decision to charge is the responsibility of the prosecutor not the police. Many arrested persons are released after a brief period in custody and are not dealt with by the courts.

no greater deterrent effect than other police responses, it is unclear as to whether or not it has a lesser deterrent effect."

A very different type of criticism is that mandatory charging policies disproportionately affect disadvantaged and minority group women. These women often have fewer resources to settle conflicts other than calling for the services of police. Indeed, research data on the social and economic status of batterers show that they come predominantly from working and lower class groups.

The report of a recent task force of the American Society of Criminology (1997) concludes that:

The various studies of police response in situations of cohabiting intimates as a deterrent to men's violence have, at best, confused the issue. It seems that arrest *per se* did not have a uniform effect on men's behavior; perpetuating the myth that arrest can, in and of itself, deter men's violence is mistaken. Yet, research evidence suggests that the use of criminal law as a resource for women may minimize the violence. Discretionary decisionmaking by the police must be guided by the victim's assessment of danger. All the research supports the view that, at present, police decisionmaking is faulty, guided more by speculation and use of stereotypes than by the wishes and needs of victims, undermining even the best policy within the criminal justice system.

For about a decade and a half, police in Ontario have been directed to lay charges in domestic violence incidents where reasonable grounds exist. A few studies have explored the extent to which these policies are followed. A study by Burris and Jaffe (1983) found that after a mandatory charge policy was introduced in London, Ontario, charges of common assault in domestic abuse situations rose dramatically. The authors concluded that police are willing to make arrests in domestic violence cases when they are provided with clear policy guidelines.

A study that reported on interviews with Toronto police officers (Hannah-Moffat, 1995) indicates that most officers cited the following factors when asked what criteria they used to charge in domestic violence situations: the presence of witnesses, physical evidence, the intent of the offender to harm the victim, known history of abuse, and consistency in the victim's story. Non-legal factors, such as "best interests of the victim and the offender", the life style of the couple, their attitudes towards police, and the presence of alcohol or drugs in the home were cited by some police officers. The author concludes that:

Most of the police officers portrayed themselves as law enforcers who use the *Criminal Code* to maintain order and secure the safety of the public. Most of the officers wanted to avoid situations such as a domestic, which they believed required the skills of a professional counsellor and not a law

enforcer. These officers were clearly frustrated by their lack of training in this area and in many cases overtly resistant to performing the duties of a counsellor. ... Most officers advocated non-legal interventions and supported their claims by indicating that these alternatives would give the victim more flexibility and power. However, given that most officers were not sensitive to the needs and experiences of the victims, it is more likely that they support non-legal approaches because they still believe that woman abuse is a "family matter" not a criminal matter. (Hannah-Moffat, 1995:45)

Police are the key gatekeepers to the courts and correctional services, and the decisions they make affect the volume and type of domestic violence cases coming into the courts. Many of their decisions are not open to external scrutiny and in some situations, officers may continue to use their discretion in domestic violence incidents. This may be particularly likely when both parties claim to have been assaulted, when the investigating officer perceives the assault to be minor, and when the victim makes it clear that police presence has been sufficient and that she is unwilling to proceed further with the matter.

The advantages of mandatory charging policies include increasing the number of charges laid in domestic violence cases and promoting their more rigorous prosecution (Landau, 1998: 3). Mandatory charging also has a denunciatory purpose: to make clear that society no longer condones domestic violence. Landau's summary of research undertaken by the Department of Justice Canada also lists some limitations of the policy.

1. Many women feel disempowered by mandatory charging.
2. The options provided by the criminal justice system are too narrow. That is, they promote separation of the woman from her abuser, when there may be little desire for this outcome on the part of the women.
3. Mandatory charging represents a one-dimensional response to a complex social problem when the criminal justice system cannot deal with the caseload or the sources of domestic abuse.
4. Police continue to exercise their discretion in charging and may not lay charges, particularly in cases where women are reluctant to give evidence (Landau, 1998: 4).

In summary, mandatory charge policies in domestic violence incidents remain controversial partly because of the mixed research findings. However, in this report the decisions by police are the backdrop not the focus of inquiry of this evaluation, which is primarily directed towards what happens to victims and suspects after charges are laid.

Crown Decision-making

Decisions by prosecutors are infrequently addressed in United States research, and almost never in research done in Canada.

A recent mailed questionnaire survey of prosecutorial practices in 200 U.S. jurisdictions found that most proceeded with prosecution without the cooperation of the victim, most were in jurisdictions where the police had established pro-arrest policies, and two-thirds had no-drop policies, although there is flexibility. Offices in larger communities were less likely to inform the victim of the release of the accused at a bail hearing than were those in jurisdictions with smaller populations. In three-quarters of the jurisdictions, the presence of a child at the incident has a medium or high impact on how prosecutors proceed.

As far as we could determine, no research on dealing with reluctant victims directly relevant to the Ontario situation has been undertaken.

One much-quoted United States study found that permitting women to drop charges enhanced their safety; for example, "allowing victims who initiated the complaint to drop charges resulted in reducing the risk of further violence". In the Canadian context and upon closer examination, this blanket conclusion is misleading. The study involved two randomized experiments in Indianapolis (Ford and Regoli, 1998 in NIJ and the ABA). The first involved at-the-scene arrests by police. The 200 cases generated could not be dropped by the victims and were randomly assigned to: pre-trial diversion with counselling; adjudication of guilt with counselling as a condition of probation; and third, other sentences such as fines, probation, and jail time (i.e., no counselling). Almost 40 percent reoffended within six months of settlement, and none of the three tracks had an effect on the prevalence, severity, or frequency of reoffending.

More relevant to no-drop policies, the second study looked at cases where the victim filed a complaint in person with the prosecutor's office. This study had the same three tracks, with the addition of a fourth whereby victims were allowed to drop the charges. Overall, 29 percent of accused persons reoffended within six months. In the fourth sub-group, however, arrest by warrant and allowing victims to drop charges resulted in a reoffence rate of only 13 percent.

The applicability of these findings in a Canadian context is uncertain. Most persons accused of domestic violence are apprehended at the scene as a result of a 911 call by the victim or others. Very few if any victims initiate complaints with the Crown's Office (in the United States, only prosecutors can initiate court proceedings).

In Ontario, the Crown may proceed with prosecution against the wishes of the victim. The Crown Policy Manual⁴ states that, by giving the control of the prosecution to the Crown and not the victim, "it is hoped that ... less pressure will be brought to bear on

⁴ The Manual is currently under review.

victims to withdraw the charge if it is understood that they are not the one prosecuting". The criteria to be used by the Crown in determining whether a prosecution should proceed without victim cooperation are: strength of the case; history of violent behaviour by the accused; extent of injuries to the victim; the reason why the victim does not want to proceed; information on harassment of the victim; and, the results of a Crown interview with the victim "during which Crown counsel discusses the public wrong aspect of domestic violence and tries to respond to any concerns the victim may have". When there is a reasonable prospect of conviction, Crown counsel are expected to proceed with the case in court.

Specialized Domestic Violence Courts

A growing trend in the United States is the development of specialized courts that deal solely with domestic violence. Specialized courts have several advantages. Commentators have pointed out that a centralized docket can improve service delivery – for example, prosecutors need not waste time moving from court to court. In the United States, courts have begun to improve case processing procedures with designated dockets to better manage domestic violence cases and expedite scheduling of trials.

The courts vary considerably in their mandates and methods of operation. Typically, one of the main objectives is to reduce the time between the offence and the disposition. Decreasing processing time has the potential to: reduce the opportunity for violence during the court process; make the court experience less difficult for victims; and provide less opportunity for ambivalent or uncertain victims to reconsider their testimony. A speeded up court process is believed to increase conviction rates and therefore the accountability of the offender. Furthermore, the assumption of the prosecution by the state, rather than the victim, is believed to reduce violence against the victim and mitigate the problems associated with reluctant victims. There is also sometimes a commitment by the prosecution to request more severe sanctions.

The Milwaukee Domestic Violence Court began with the intent of speeding up case processing time. In the first four months of the policy the processing time decreased by one-half, convictions increased by 25 percent, and pre-trial re-victimization also declined. After the first four months, the charging policy of the district attorney changed to a "liberalized" policy; this resulted in fewer cases being screened out of the system by the prosecutor.⁵ After the policy was introduced, case backlog greatly increased; cases before the court contained a higher proportion of victims who did not want the matters prosecuted; the time to disposition doubled; convictions declined; re-victimization during the case process increased; and victim satisfaction with case outcomes and with the handling of the case went down.

⁵ Pre-trial and post-plea diversion is used in many United States courts for domestic violence cases. The charges are usually dropped if the offender successfully attends a batterers' program.

In Milwaukee, the decision to prosecute a higher proportion of domestic violence cases was made without additional resources. The authors recommend that sufficient resources should be allocated to prosecute and adjudicate the cases if matters with reluctant victims are to be introduced into the system. There was no increase in victim program, prosecutorial, or judicial staff to handle the twofold increase in the number of cases that the district attorney brought into the system. (See Davis, Smith, and Nickles, 1997.)

One Canadian study has addressed the processing of persons accused of domestic violence in a specialized court. Ursel (1995b) has described the cases dealt with by the Winnipeg Family Violence Court in 1990 to 1992. Three-quarters of the cases were spousal abuse, which was defined as violence against partners, spouses, boy or girl friends, and ex-partners; the remainder were cases of elder and child abuse. In spousal abuse cases, the most frequent charge was, as expected, common assault although a number of accused persons were charged with assault causing bodily harm and assault with a weapon. Three-quarters of the accused had a prior conviction and, of this group, 58 percent had a record for a previous assault and 34 percent had been convicted of assaulting their spouse or partner.

Of the over 3,300 spousal abuse cases dealt with in the two years, 53 percent ended in a guilty plea, a stay of proceedings was entered in 28 percent,⁶ and a trial took place in 19 percent of cases. Trials ended in dismissals in 39 percent of cases (usually because of the failure of the witness to testify) and in a guilty finding in 30 percent of cases. In 22 percent of trials the accused was found not guilty, and the accused was "discharged" in 8 percent of trials.

A pre-post comparison of case attrition rates found that the proportion of cases that were stayed, dismissed, or found not guilty went down from 47 percent pre-specialization to 36 percent in the first year of the operation of the specialized court. In the second year of operation, the proportion of stayed, dismissed, or not guilty cases increased from 36 to 43 percent. The researcher suggests that changes in police charging practices may have produced the increased attrition rate in the second year. Because of a change to a rigorous charging policy, Crowns reported that they had to deal with "increasing numbers of cases in which the evidence is weak or ambiguous or in which the victim/witness may be reluctant to testify" (Ursel 1995b:179). It should be noted that this finding is similar to that reported in the Milwaukee Domestic Violence Court described above.

⁶ Withdrawals are rarely used in Manitoba courts; the stay is the standard way of halting proceedings.

Court-ordered Treatment Programs for Domestic Violence

Evaluations have found that many offenders referred to treatment programs do not attend at all or drop out during the course of the program. This occurs because, despite the intent of the programs, criminal justice officials and programs fail to monitor referrals and non-compliance may not be sanctioned. For example, Gondolf (1998) estimated that, in many U.S. locations, only about one-quarter of offenders who are referred to batterers' programs complete the program. However, after the Pittsburgh Domestic Violence Court started mandatory court reviews of these cases, the proportion of offenders who did not complete the batterer program decreased from one-half to one-third (Gondolf, 1998). The court reviews took place 30 days after the court referred the offender to the program, with a second review 60 days later to confirm that the offender had completed the program. These findings suggest that court-ordered treatment can be more effective if adjournment dates are set to monitor offender compliance.

An issue in batterer programming is the assumption that "one-size-fits-all" in program interventions. Treatment providers are beginning to recognize that cognitive/behavioural programs – the most prevalent treatment approach – may not be suitable for all offenders. In particular, it is now acknowledged that culturally specific programs are required for minority group offenders and that "typologies" of offenders should be developed in order to match offenders to specific treatments. Research is shifting towards studying which subgroups of batterers respond to which specialized interventions (Healey and Smith, 1998).

Research on the efficacy of treatment programs in reducing recidivism has produced confusing results. This may be because most of the research does not meet rigorous evaluation standards. According to some authorities, the existing data provide "moderately strong" evidence of a *negative* effect on reoffending (University of Maryland, 1997). This conclusion is based in part on research by Harrell (1992), who developed matched comparison groups of arrested batterers referred to court-ordered treatment and those not referred. The treated group had higher repeat violence rates. The method involved interviews with both victims and abusers after one month and again four to six months after the disposition of the case. The treated and untreated abusers did not differ significantly in terms of stopping severe violence or threats of violence, but the untreated group were significantly less likely than the treated group to continue in physical aggression. Among the correlates of the impact of treatment were whether the offender was married (they were more likely to cease severe violence) and the presence of a past criminal record (this group was more likely to reoffend).

Another well designed study had the opposite finding, perhaps because recidivism was measured differently. Using police records as the measure of recidivism, Goldkamp (1996) reported that higher rearrest rates were found among untreated divertees and probationers compared to those who were admitted to treatment programs. Furthermore, Goldkamp found that within the treated group, those who received integrated substance abuse and domestic violence interventions had lower recidivism than those who received

these interventions separately. Abusers who had substance abuse problems were randomly assigned to (a) separate treatment programs for battering and substance abuse and (b) an integrated program that dealt with both issues simultaneously. During the seven month follow-up, participants in the integrated program were rearrested for same-victim domestic violence offences at about one-half the rate of those assigned to separate programs.

Therefore, findings of evaluations on the effects of court-ordered batterer treatment on recidivism have been conflicting. The effects probably vary by the specific approach to treatment, the skills of the treatment providers, the background of the batterers, the length of the follow-up, how recidivism is measured, and a multitude of other factors – making it difficult to draw conclusions on the effectiveness of treatment programs in general.

Fagan (1996) concluded that research has not provided evidence of deterrent or protective effects of legal sanctions and treatment interventions for domestic violence.⁷ One reason for the lack of a deterrent effect may be related to the sources of informal social control experienced by the batterer. The community and other social contexts (employment, family) may reinforce or shape the motivations and perceptions of offenders. To some batterers, social costs such as stigmatization and the loss of children and other family relationships may be among the outcomes of legal sanctions. If the offender perceives that there are social costs associated with battering – this phenomenon has been termed a "stake in conformity" – then legal sanctions may reinforce those costs. If social costs are not associated with domestic violence, then legal and treatment interventions may have a lesser or even no positive effect on subsequent behaviour.

⁷ However, subgroups of offenders have been shown to be deterred by justice system interventions: the employed, those with no prior record or history of violent behaviour.

CHAPTER 3: RESEARCH METHODS

In this chapter, the methodology employed for the evaluation is described. This research relied on three methods of data collection: in-person and telephone interviews with criminal justice professionals; the review of Crown briefs and VWAP files to collect information on the characteristics of the cases and their criminal justice processing; and, telephone interviews with victims.

Interviews with Project Personnel and Site Visits

Interviews were conducted with staff of the Victim/Witness Assistance Program and with Crown attorneys at each site. Members of the research team attended at least one and sometimes several meetings with the local coordinating committee. Police officers were interviewed in every site to obtain their perspectives on the Project as well as their practices with regard to the investigation of domestic violence cases. Defence counsel and members of the bench were interviewed in some court locations. All interviews were open ended, using a semi-structured interview guide. Informal contact with site personnel was maintained over the course of the 15 months of data collection.

File Data Collection from Crown Briefs and Victim/Witness Files

This evaluation uses a "pre-/post" design to determine the effects of the Domestic Violence Courts Project on the way in which cases are processed by the police and the courts.

The main methodological problem encountered was that most information sources do not identify assaults, threats, and other charges arising in the context of an intimate relationship as "domestics". This is related, of course, to the fact that the *Criminal Code of Canada* does not differentiate between, say, assaults involving an intimate partner and assaults where the victim is an acquaintance in a bar. The court information system of the Ministry of the Attorney General, ICON, does not identify domestic cases – nor do information systems of many policing services. The undesirable consequence of this situation is that in most sites, this evaluation had to rely on the files of Victim/Witness Programs to identify cases dealt with prior to the Project. This factor is discussed later in this section.

1. The Early Intervention Courts in Peel and Durham Regions

All cases that entered the Project after December 1997 and whose cases were concluded by June 1999 were included. A total of 131 Project cases were identified in Peel and 113 cases in Durham.

The research method for the early intervention sites did, however, require the development of a matched comparison sample for the pre-Project group. We needed a group of accused persons who would have been eligible for the Project if it had been in existence at the time, in order to compare case processing and outcomes. The samples were obtained from 1997 police sources in Peel and from 1997 VWAP files in Durham. In Peel, there were 74 and in Durham, there were 68 cases in the matched comparison groups.

In practice, the problem with using a matched comparison group design is that the so-called "matched" comparison groups frequently differ on critical variables that may affect outcomes. This quite detailed analysis compares the pre and post-program samples for these two courts in order to illustrate that, on most factors, the two groups are very similar.

Entry Criteria

To be eligible for the early intervention program, accused persons must have no prior findings of guilt for domestic assault offences, must not have caused significant harm to their victims, and not have used a weapon in the offence.⁸ The pre-program samples were selected on these factors. Table 3.1 shows the differences pre- and post-program in these characteristics of the accused and the incident.

Table 3.1 The Early Intervention Courts: Differences in Entry Criteria Pre- and Post-program

	Peel		Durham	
	Pre-program %	Post-program %	Pre-program %	Post-program %
Accused with prior findings of guilt (of any kind)	5.4	7.9	28.4	33.3
Accused with prior domestic assault findings of guilt	0	0	0	0.9
Most serious offence in the case: assault level 1	93.2	94.7	88.2	85.8
Did the victim seek medical attention?: % yes	1.4	3.1	7.1	10.3
Did the victim have any (visible) injuries?: % yes	45.6	49.6	49.2	57.1
- Any stitches required?	0	0.8	2.9	0.9
- Any broken bones?	0	0	0	0
The use of a weapon by the accused	0	3.8	4.4	12.5
Number of cases	74	131	68	113

Notes: Percentages are based on known values; i.e., missing values are omitted from the totals on which the percentages are calculated.

⁸ Of course, there are other factors considered in the referral process, such as input from the victim.

None of the within-site differences is statistically significant.

These data show that the within-site characteristics of the two samples are very similar in terms of the percentage with a prior record, in the most serious offence type, and the degree of severity of injury to the victim. The Project samples in both Peel and Durham were slightly more likely to involve the use of a weapon (contrary to program guidelines⁹), but the differences are not statistically significant.

Background Characteristics of the Accused and Victim

The age of accused persons is almost identical in both pre- and post-samples; Project victims in Durham are slightly older than those in the comparison group. There is no difference in the place of birth in the two groups. The concerns in Peel Region – that minority groups have not been accessing the Project – do not seem well founded, given that the proportions born in (and therefore out of) Canada are so similar pre- and post-program. As expected, given the focus in the early intervention model on couples that want to stay together, most accused and victims were co-habiting and the differences in the two periods are insignificant. Similarly, most couples had children. The background characteristic that does differ between the two time periods is whether the couple was estranged or separated, with the pre-program comparison groups containing a larger proportion of estranged couples.¹⁰ The higher proportions of estranged couples in the pre-program sample suggest either that Crowns are more likely to refer couples to the Project if there is an indication that they wish to stay together, or that accused are more likely to agree to participate when the couple wish to remain together (or a combination of both).

Table 3.2 The Early Intervention Courts: Differences in Background Characteristics Pre- and Post-program

	Peel		Durham	
	Pre-program	Post-program	Pre-program	Post-program
Average age of accused	36.5	36.7	36.9	37.1
Average age of victim	34.0	34.7	33.8	35.3
% of accused born in Canada	25.9	31.0	65.0	69.1
% of couples who live together	89.2	90.1	79.4	87.6
% of couples who have children together	69.2	58.1	65.1	69.9
% of couples who are separated or estranged	19.2	5.3	25.8	11.6
Number of cases	74	131	68	113

⁹ This is an example of the use of Crown discretion in the referral decision. Some of the incidents where weapons were used may have been minor in nature.

¹⁰ As subsequent analysis shows, estrangement is related to willingness of the victim to testify against her partner or former partner.

Notes: Percentages are based on known values; i.e., missing values are omitted from the totals on which the percentages are calculated.

None of the within-site differences is statistically significant except for the "separated/estranged" variable. Peel chi-square = 9.72, df=1, p<.002; Durham chi-square = 5.93, df=1, p<.02.

Incident Characteristics

The characteristics of the incident, such as who informed the police, the location, and drinking by the accused, are shown in Table 3.3. With two exceptions, there is no difference by time period. The exceptions are both in Peel, where the pre-program group involved more cases where the accused was unimpaired by alcohol and more cases where no victim statement was obtained by police.

Table 3.3 The Early Intervention Courts: Differences in Incident Characteristics Pre- and Post-program

	Peel		Durham	
	Pre-program %	Post-program %	Pre-program %	Post-program %
Victim informed the police of the incident	75.8	86.7	86.2	77.8
Incident occurred in home of victim and/or accused	89.2	91.5	95.5	92.9
Accused alleged to be drinking heavily	6.8	16.0	20.6	24.8
Victim made a statement to the police	80.6	92.3	89.4	93.8
Child(ren) under 18 present at the incident	21.6	25.2	32.4	45.1
911 call summoned the police	82.2	88.5	81.5	85.8
Number of cases	74	131	68	113

Notes: Percentages are based on known values; i.e., missing values are omitted from the totals on which the percentages are calculated.

The within-site differences are not statistically significant at the .05 level, with the following exceptions: Peel, the pre-/post differences in accused drinking are significant, chi-square = 7.78, df=2, p<.02; Peel, victim statement, chi-square = 6.11, df=1, p<.02.

Summary

This analysis of the similarities and differences between the Project and the matched comparison groups has found that they are very similar on factors such as characteristics of the offence, prior convictions, injuries to the victim, demographic and social characteristics of the couple, and incident characteristics. We therefore conclude that the two groups are sufficiently alike to draw reliable and valid conclusions about the pre-/post differences in case processing and outcomes.

2. The Coordinated Prosecution Courts in Ottawa, London, and Hamilton

The Sampling of Project Cases

All domestic violence cases before the courts in Ottawa, London, and Hamilton were eligible for inclusion in the analysis. The sheer number of cases, however, necessitated sampling to make the collection of file data manageable. One in every three domestic violence cases was randomly selected for data collection. In Ottawa and London, the Crown briefs of all closed domestic violence cases were stored in the VWAP or Crown's Office until which time researchers could attend for their review. All domestic violence cases with first court appearances after 6 February 1998 (Ottawa) and 15 February 1998 (London) and their final court appearances before 30 June 1999 were eligible for the sample in these two locations. A total of 327 domestic violence files in Ottawa (out of about 1,000) were coded, and 292 (of approximately 800) files in London were reviewed and included in the analysis.¹¹ The Crown briefs had not yet been stripped by police records staff, and no problems were encountered with respect to missing data for the post-program samples.

The sampling frame and sample selection procedures differed in Hamilton. After consulting staff in the Crown and VWAP offices, it was decided that commencing the data collection in February as in the other coordinated prosecution locations was inappropriate. The Project did not start until June 1998 and was fully implemented in September 1998. Consequently, between February and June 1998 no visible changes would be seen in the court process, with the exception of additional VWAP resources for victim contacts. The evaluation sampled cases having first appearances in June 1998 and final court appearances before June to August 1999. Because the Hamilton Project was not fully operational until September and most sampled cases made their final appearance before June 1999, the Hamilton sample places more emphasis on the start-up months of the Project than is the case in Ottawa and London. This is unfortunate because the first nine months may not be representative of the longer term operation of the Hamilton Project.

The sample selection procedures also differed in Hamilton because space shortages prohibited the storage of closed Crown briefs in Crown and VWAP offices. The only means of obtaining a sample of domestic violence cases was to review VWAP files to record case identifiers and to request these files from the Records Department of Hamilton-Wentworth Regional Police where they are stored. This complicated matters because not all cases could be located in Records, thus decreasing the sample. In the end, 229 case files were coded of approximately 785 domestic violence cases (a 29% sample). The second problem with accessing the Crown briefs after being sent to Records is that some information has been stripped by that time, thereby increasing the amount of missing data for both pre- and post-program samples. In particular, victim, accused, and incident characteristics were missing in many files.¹²

¹¹ The sampling ratio in London was approximately 3 percent higher than in Ottawa because of over-sampling in some months.

¹² Missing data could also be the consequence of the active involvement of Records Department staff in pulling file data for the study. Because the Crown briefs were filed within the Criminal Record

The Selection of Pre-program Comparison Groups

To identify domestic violence cases to establish a comparison group of 1997 cases was difficult. The availability of the identity of domestic violence cases from local databases differed by site. The most desirable method of selecting a comparison group was employed in London. The London Police was able to retrieve case identifiers for 1997 domestic incidents from an internal database. A total of 420 1997 cases were identified in police records as having a domestic component. Of these cases, 139 cases were reviewed and coded, which is one in every three possible cases.

In Ottawa and Hamilton, no database could select out domestic incidents, necessitating an alternative method of identifying the pre-program comparison group. As VWAP files identify domestic incidents, they were used to select the pre-program comparison groups. In Hamilton, 129 cases identified by means of VWAP files were coded, using information from Crown briefs located in the police service. In Ottawa, approximately 600 VWAP files of domestic incidents were available, and researchers reviewed one in three of these files, or 200 in total. All 1997 Crown briefs had been placed on microfiche¹³ and were almost totally inaccessible when the research team requested them. We therefore had to rely on VWAP information and ICON data to retrieve case information.

A weakness with the 1997 pre-program samples in each of the coordinated prosecution sites is that, to varying degrees, they had already been stripped of some of the file contents. Information was frequently missing on the incident, victim, and suspect characteristics.¹⁴ It was particularly unfortunate that prior record data (other than the presence of a record) were unavailable. More crucial to this study, details of the police investigation were also not consistently present. One of the central analyses to be conducted for this evaluation – pre-/post comparisons of enhanced investigation techniques – becomes unreliable. This is especially a problem in Ottawa, because without complete Crown briefs the proportion of unknowns (i.e., data elements with "missing values") is very high for many variables.

The second weakness of the pre-program samples in Ottawa and Hamilton is that the sampling frame was VWAP files, which means that the cases may not be representative of all domestic violence cases dealt with by these courts before the DVC Project began. That is, the samples were *non-random*. This may be less of an issue in Ottawa because VWAP files existed for almost 600 domestic cases, which approaches the number of files in the following year. In Hamilton, before Project start-up, a small staff limited the amount of contact that VWAP had with victims, and they appeared to be more likely to

file of the accused, researchers were not able to see the contents until Records staff weeded out "irrelevant" information regarding the incident in question. We cannot be sure that relevant data were not removed during this process.

¹³ The hard copies of most material in the Crown briefs are destroyed.

¹⁴ ICON data were used to supplement VWAP files and Crowns briefs when sentences and court dates were missing.

have contact with victims whose partners planned to plead not guilty. Cases with trial dates and trial cases are over-represented in the pre-program group from Hamilton.

In both Ottawa and Hamilton, this sampling problem most affects data on the contact between VWAP and the Crown and victims: cases where there was a VWAP file, and hence VWAP-victim contact are undoubtedly over-represented. The over-sampling of Hamilton cases where a trial date was set means that the pre-/post comparisons for this variable must be viewed with caution. Throughout this report, where applicable, we will again mention these problems in order to avoid possible misinterpretations of the changes in case processing after the inception of the Domestic Violence Courts Project.

Interviews with Domestic Violence Victims

1. The Interview Guide and Pre-test

A semi-structured interview schedule was developed by the evaluation team based on the evaluation questions most appropriately directed towards victims, such as their experiences with the police and VWAP and Crown personnel, and the extent to which they were satisfied with the support and information that they received.

A sub-sample of respondents – those whose partners were enrolled in an abusive men's program – were asked a series of questions from an Abusive Behaviour Questionnaire about their partner's emotional and physical victimization in the preceding six months. The plan was to interview this group again, about four months later, in order to determine the extent to which the partner's abusive behaviour had changed after his participation in the treatment program. A second purpose was to compare the victims' responses to those of their partners, who were also being asked to complete the instrument by the abusive men's programs associated with the Project.

The draft interview schedule was pre-tested on several victims from Hamilton and the comparison sites. As a result, the instrument was revised slightly.

2. Sample Selection, Comparison Sites, and Sample Size

VWAP Coordinators in five Project sites¹⁵ agreed to have their staff ask victims of domestic abuse if they would consent to a confidential telephone interview about their experiences with the criminal justice system. Two other sites were selected to determine if (a) the proposed enhanced services for domestic abuse victims in the Project sites differed from the services received by victims in other communities in the province, and (b) the attitudes of victims were different in Project sites compared to courts where there was no special treatment of these victims, other than what is routinely offered by Crowns and Victim/Witness staff. VWAP Coordinators in Barrie and Kingston agreed to ask victims of domestic violence for their consent to be interviewed, and these two courts formed the "comparison sites".

In order to quantify the proportion of victims who refused to be interviewed, VWAP staff were also asked to provide a list of the victims who were approached, but refused to be contacted for the research. The data in Table 3.4 suggest that there were differences among the VWAP offices in the extent to which staff recorded refusals. It is unlikely that the range could be as large as these data suggest – refusals go from a low of none in Hamilton to 41 percent in London. Overall, according to the data provided, 78 percent of the victims approached about the research consented to be interviewed but undoubtedly this proportion over-estimates the actual consent rate.

¹⁵ No victim interviews were conducted in the North Bay court. As discussed elsewhere, only fourteen persons were referred to the Project in North Bay.

Table 3.4 Victim Consents and Interview Outcomes

	Early intervention sites		Coordinated prosecution sites			Comparison sites
Victim consented to interview?	Peel	Durham	Ottawa	London	Hamilton	Barrie & Kingston
Yes	89.7 87	93.7 104	69.3 230	58.9 53	100.0 40	95.4 62
No	10.3 10	6.3 7	30.7 102	41.1 37	0	4.6 3
Total percent	100.0	100.0	100.0	100.0	100.0	100.0
Number	97	111	332	90	40	65
Outcome of contact						
Completed interview	49.4 43	45.2 47	50.9 117	66.0 35	47.5 19	61.3 38
Interview incomplete	1.1 1	0	0	0	12.5 5	1.6 1
Refusal	9.2 8	11.5 12	5.6 13	11.3 6	7.5 3	8.1 5
Number out of service	0	4.8 5	9.1 21	1.9 1	10.0 4	9.7 6
Wrong number/victim had moved	6.9 6	1.9 2	5.6 13	0	0	6.4 4
More than 5 calls, could not be reached	26.4 23	22.8 24	23.5 54	17.0 9	17.5 7	8.1 5
Left message as directed, no return call	3.4 3	2.9 3	3.5 8	1.9 1	5.0 2	3.2 2
Other, no phone number/name provided	1.1 1	1.9 2	1.7 4	1.9 1	0	1.6 1
Accused not in DVC Project	2.3 2	8.6 9	0	0	0	0
Total percent	100.0	100.0	100.0	100.0	100.0	100.0
Number	87	104	230	53	40	62

The research team was successful in completing interviews with 52 percent of the victims who initially consented to interviews. The percentage of successfully completed interviews ranged from 45 percent in Durham to 66 percent in London. The reasons for our inability to complete interviews are found in the bottom panel of Table 3.4. The most frequent reasons for failure were: when contacted, the victim refused; the telephone number was not in service; the telephone number was incorrect or the victim no longer resided there; and, most often, despite calling more than five times, the victim could not be reached. Included in the refusal category are victims who made an appointment for an interview but then missed the scheduled appointment; if this happened more than once, it was taken as an indication that the victim did not wish to participate. Few victims actually directly refused when contacted, although this was more likely in Peel and with minority group victims. A factor that may have affected the number of "reachable" victims was our use of call blocking, which was done to prevent the victim's partner becoming aware of

repeated long distance calls from an unknown number and perhaps jeopardizing her safety. Some persons may not answer the telephone when they see "private caller" on their call display.

A small number of victims from the Peel and Durham Regions informed the interviewer that their partner had not accepted the Domestic Violence Court Project offer; these cases are not included in the analyses as they are not typical either of the early intervention or the comparison sites in terms of outcome and processing.

The large majority of victims interviewed were women who were abused by men. One case involved a lesbian relationship; two men who had been abused by their wives were interviewed.

While we lack accurate figures on the proportion of victims who refused to be interviewed when asked by VWAP staff, roughly 50 percent of victims who consented to an interview were successfully contacted. A total of 261 victim interviews were completed in the Project sites and 38 were completed in the comparison sites.

A total of 59 victims completed the Pre-program Abusive Behaviour Questionnaire. The Post-program Questionnaire was completed by 31 victims. Of the 28 victims who did not complete the second assessment, 10 could not be contacted, 5 had not reconciled with their partner, 4 refused to complete the assessment, and in 9 cases the victim's partner had not completed the abusive men's program.

3. Procedures

Most VWAP Coordinators agreed to ask victims of domestic violence to consent to an anonymous telephone interview during the course of their regular contact with victims. The exception is London, where volunteers and staff telephoned victims whose cases had been recently completed to ask for their consent. Some of these victims may not have been in contact previously with the Victim/Witness Program. Furthermore, in Hamilton, VWAP staff found it difficult to incorporate asking victims for consent into their regular routines, so that the number of consents received is lower than anticipated.

VWAP staff were to request participation from all victims of domestic violence in the coordinated prosecution model and comparison sites and from those victims whose partners were eligible for the DVC Project in the early intervention sites. VWAP staff were instructed to inform victims that a research project was being conducted to determine whether victims of domestic violence were satisfied with their treatment by the criminal justice system and to provide input on how the system could be improved. Victims were assured that their participation was anonymous; the research team was not provided with any case details.

For those who agreed to participate, VWAP staff provided the victim's name, telephone number, and the day of the week and time of day when respondents preferred the

researcher to call. Information on when to telephone was requested for two reasons. First, the information was requested to reduce the chance of calling the victim when it might not be safe to talk about the case (e.g., when the accused was home). Second, it was hoped that by obtaining the “best time to call”, the number of attempts required to contact the victim would be minimized. Respondents were contacted within about two weeks of the receipt of their name and telephone number.

When the victim was successfully contacted, the purpose of the call was quickly explained and the victim was asked if it was a good time to talk and if it was safe. If the victim responded in the negative, the interviewer indicated she might want to treat the call as a wrong number; if the response was positive, the interviewer proceeded. It was again explained that the research was to determine level of satisfaction with the criminal justice system, as well as to obtain information on victim experiences and the victim’s perspective on how the system could be improved. The respondent was informed that the researcher had no information about their case, and that participation was anonymous; results would be reported in an aggregate form to preclude identification of any specific case. Respondents were also informed that participation would in no way affect their case or its outcome (if not already resolved), and that they could end the interview at any time or refrain from answering any question which they found uncomfortable. Every victim was provided the opportunity to decline participation before beginning the interview. Once the interview had begun, in no case did a respondent end the interview or refuse to answer any of the questions.

It was also explained that if at any time the victim divulged information which led the interviewer to believe someone was in imminent danger, an appropriate course of action (i.e., informing the authorities) would be determined by the victim and the interviewer. Hence, all respondents were informed of the limits to the confidentiality of the interview. No respondent indicated that she or he or anyone else was at risk.

When the victim said that the accused was participating in an abusive men’s program and that there was regular contact between them, she was requested to complete an Abusive Behaviour Questionnaire during the interview and again when the accused completed the program, in order to evaluate the progress of offenders referred to treatment. It was explained that responses would not be shared with the treatment program or anyone else in an individual form. Victims who consented to participate in the evaluation of the abusive men’s programs were telephoned approximately four months after the initial contact to complete the post-treatment Questionnaire. Victims were provided with an opportunity to decline participation at the beginning of the follow-up call.

VWAP Coordinators provided local community service information so that the interviewer had resource information relevant to each victim’s location. In four instances, the interviewer provided the telephone numbers of shelters or women’s services to victims who requested the numbers; in two cases, the interviewer spontaneously provided this information.

The interviews lasted from fifteen minutes to two and one-half hours, with the average length being approximately forty minutes. In most cases several attempts were required before the victim was successfully contacted, despite the fact the interviewer had "best time to call" information. Halfway through the evaluation it was decided that a respondent would be placed on an "unable to contact" list after five unsuccessful attempts to reach him/her; contacting other victims took precedence.

In five instances, the court case was not disposed of when the interviewer contacted the victim. These were all trial cases, which tended to involve more researcher time for two reasons: first, the victims tended to be more distressed because of court delays; and second, often several calls were required to complete the interview. The incomplete interviews are not included in the analyses, as most of the key research questions, including number of meetings with court personnel and victim satisfaction with treatment, level of information received, and case outcome, were not appropriate. This situation introduces a small bias in the data.

One case in the comparison group was eliminated from the analyses because the victim failed to respond to most of the questions in any direct or coherent way. One interview from Peel is incomplete because the accused had left the country. Although the victim said she would call the interviewer when the case was disposed of, no call was received.

4. Obstacles Encountered: The Generalizability of the Findings

Ideally, the victims interviewed would be a random sample of all victims dealt with by the Project and comparison sites. If the sample were random, we could generalize the findings from the interviews to the total population of domestic violence victims dealt with by the Project courts. However, several factors prevent "randomness". First, some victims have no contact with the VWAP staff because they do not respond to the letter sent by VWAP in some sites.¹⁶ Second, in some locations (London and Hamilton), VWAP staff had difficulty in incorporating victim consent into their regular procedures – with the result that many victims were "missed". It is also possible that, in some sites, staff were more likely to ask clients with whom they had more than minimal contact. Third, an unknown (but potentially sizeable) percentage of victims did not consent to the interview when asked by Victim/Witness staff. Finally, not all victims that consented to interviews were contacted by a member of the research team, because they did not answer the telephone, the number was no longer in service, they failed to return telephone calls or keep telephone appointments, or because they refused when contacted by a member of the research team.

The resulting samples of interviewed Project and comparison victims are non-random in at least three ways.

¹⁶ Nor do they make a proactive effort to contact the Victim-Witness Program.

- a. In some sites, fewer victims than expected were still with their partners. This is probably because victims who want to remain with the offender are less likely to consent to an interview. A contributing factor is that, to ensure respondents' safety, our policy was to pretend we called a wrong number if a man answered the telephone or if the victim said her partner was nearby. We probably under-sampled cases where the accused and victim remained in a relationship.
- b. Because the victim sample was obtained as a result of contact with the staff of the Victim/Witness Program, most victims who were interviewed had had at least minimal contact with staff of VWAP, if only to have been asked for their consent to be interviewed. It is probable that the persons who consented had more contact than the "average victim" with VWAP and perhaps also with the Crown.
- c. More of the cases in Ottawa, Hamilton, and the comparison sites went to trial, compared to the trial rate for domestic cases in general. For example, almost half of respondents from the comparison sites testified at trial. It is likely that these cases are atypical in terms of various characteristics (e.g., these cases likely involved more serious violence),¹⁷ the amount of contact they had with court personnel, and how their case was dealt with generally.

5. Summary

The evaluation team interviewed almost 300 victims of domestic violence; 87 percent of the interviews were with persons who had experienced either the early intervention or coordinated prosecution models and 13 percent were from two comparison sites. Estimates of the percentage of the total population of victims in the first 12 to 18 months of the operation of the Domestic Violence Courts Project are as follows:

- a. About 33 percent of victims in Peel and 42 percent in Durham were interviewed.
- b. The sampling ratio is much lower in Project courts where all domestic matters are dealt with. In Ottawa, roughly 12 percent of victims were interviewed. In London, 4 percent and in Hamilton, 2 percent of victims completed an interview with a researcher.

Although the sampling ratios in Peel, Durham, and Ottawa are clearly acceptable in survey research terms, the problem of *unrepresentative* samples was a more serious but unavoidable shortcoming in this evaluation. Of most concern is that victims who remained with their partners were probably under-sampled and, in some Project sites, those whose cases involved a trial date were over-sampled. This situation arose because of the necessity of obtaining victim consent via staff of the Victim/Witness Assistance Program. Victims who refused to be contacted by the researchers were probably disproportionately those who had elected to remain with the accused and/or those whose partners elected to plead guilty.

¹⁷ In fact, at least three victims from the comparison sites said that they had experienced permanent injury.

The Abusive Men's Programs

An integral part of the Domestic Violence Courts Project is court-ordered attendance of offenders at abusive men's programs. In the early intervention model, offenders are required to participate in these programs as a condition of their bail, while in the coordinated prosecution sites, offenders are frequently referred to the programs as a condition of a probation order.

1. Site Visits and Interviews

Information regarding program operations and obstacles encountered as a result of participation in the Domestic Violence Courts Project were obtained through visits, on-going telephone contacts and a telephone interview with each of the programs. A personal meeting between program staff and a member of the evaluation team occurred for all sites.

The site visit consisted of a tour of the program facilities, as well as a review of all available program documents and a meeting with all staff, when possible. At each site, the Program Manager participated in a lengthy interview, and the Partner Outreach worker was asked several questions. Information collected includes details on: the organizational structure and accountability mechanisms of the program; the program orientation, content, and structure; and, staff numbers, roles, and qualifications. Staff were also questioned about relationships with Domestic Violence Courts Project officials, and operational and implementation concerns related specifically to the DVC Project.

The site visits were undertaken between September 1998 and January 1999. Between late October 1999 and mid-November 1999, final telephone interviews were conducted to inquire about changes in the program and problems encountered since the first interviews.

2. Data Collection

Instrumentation

After reviewing the domestic violence literature for evaluation studies of abusive men's programs, it was determined that the most widely used research instrument is the Conflict Tactics Scale (Straus, 1979; 1990). This instrument was developed in 1973 and was used in two national U.S. surveys as well as in over 100 other studies. However, the scale has been widely criticized for its focus on physical violence and its relative neglect of emotional and psychological abuse. Similarly, although the Tolman Psychological Maltreatment of Women Scale samples a wide range of emotionally abusive behaviours, it fails to assess the occurrence of physical abuse.

Because of the need to assess the occurrence and potential change of all forms of abuse – physical, psychological/emotional/financial, and sexual – a modified version of the

Index of Controlling Behaviour scale was used in the current evaluation. Meredith and Burns (1990) developed the Index of Controlling Behaviour (ICB) for an evaluation of abusive men's program funded by the Ontario Ministry of the Correctional Services. Furthermore, an assessment instrument very similar to the ICB was developed by the staff of New Directions in Ottawa, and this form was found to meet the needs of this evaluation. Hence, the assessment instrument used in the current evaluation – called the Abusive Behaviour Questionnaire (ABQ) – is an amalgamation of the ICB and the Abusive and Controlling Behaviour Inventory used by New Directions.

The Pre-program ABQ assesses the occurrence of the listed behaviours for the six months prior to the intake session (or the last six months of regular contact), and the Post-program form uses as a time referent the period between beginning the program and the completion of the program.

The ABQ consists of 66 items, which cover areas of physical, emotional and sexual abuse. The scale also has five items that assess the effects of abuse on the victim. The abuse items can be summed to produce a total abuse score, or may be summed to produce subscales for Physical Abuse, Emotional Abuse, and Sexual Abuse. The Emotional Abuse subscale is comprised of 34 items, which assess the occurrence of verbal abuse, financial abuse, isolation, and psychological abuse. The Physical Abuse subscale is comprised of 20 items, and the Sexual Abuse subscale has twelve items. The Physical Abuse scale has items involving direct physical contact as well as physical intimidation.

Each item of the ABQ has scores of zero to five that are direct translations of the number of times the behaviour occurred (i.e., a score of one indicates the behaviour happened once), while a score of six is used to represent "six or more times". Possible total scores range from zero – none of the 66 behaviours occurred, to 396 – all of the behaviours occurred six or more times.

A Program Data form was developed to collect information on: services provided to the participant and their partner; timeliness in entering and completing the program; and attendance and completion status. Program staff completed the form for each offender referred to the program.

A Client Data form was designed to collect social and demographic information for all offenders. Program staff or the client completed the form during the intake meeting.

A Client Satisfaction form was developed to assess the level of satisfaction offenders had with how their case was handled by the police and courts, and to gauge how beneficial they believed the program was in affecting their attitudes and behaviour toward women. Program participants completed the form at the end of the program.

Design and Procedures

The evaluation of the abusive men's program involved a repeated-measures design with two test periods. The Abusive Behaviour Questionnaire was completed by

participants in the abusive men's programs at the point of intake and again at the last session. The Pre-program form was administered at intake and the Post-program form was administered at the last session.

Program participants also completed the Client Satisfaction form at the last session. Initially the Client Satisfaction form was simply returned by the participant to the program facilitator. In the winter of 1998, we asked program staff to provide participants with an envelope in which they could seal their form to provide confidentiality of response. Staff at each program were responsible for overseeing the administration and return of forms to the evaluation team.

Modified Abusive Behaviour Questionnaires were administered to the partners of participants during victim interviews. If the victim respondents identified themselves as the partner of a program participant, it was requested that they complete the Questionnaire in order to assist with the evaluation of the program in which their partner was participating. It was explained that if they consented, the evaluator would contact them again when their partner completed the program to complete a second ABQ. All victims who still had contact with their partner, or who thought they might reconcile, were requested to participate. Partners were informed that no one other than the evaluation team would have access to their responses and that information provided would be used for research purposes only.

Participation in the evaluation was voluntary for both participants and partners and it was explained that cooperation or lack of cooperation would not affect the outcome of the court case or the disposition of charges.

Program staff were asked to complete Program Data and Client Data forms for each offender referred to the program.

All programs, except North Bay, participated in the evaluation by having both staff and clients complete the research forms. The North Bay program was approached about participation, and the staff were agreeable; however, the number of offenders referred by January 1999 was so small, with no influx of clients anticipated, that data analysis would have been meaningless.

3. Sample Size

Offenders referred to the DVC Project abusive men's programs from July 1998 to September 1999 were requested to participate in the study. Program staff were requested to provide client and program information on the DVC Project offenders attending their respective programs during the same period.

Table 3.5 shows the number of the various data collection instruments provided from each site. Both Pre- and Post-program Abusive Behaviour Questionnaires were completed by 103 of the offenders from Ottawa's program, by 28 from Peel programs, by

29 from the Durham program, by 19 from the London program, and by 6 offenders from the Hamilton program. There are a considerable number of Pre-program Abusive Behaviour Questionnaires for which there is no corresponding Post-program Questionnaire and vice versa. This occurred for several reasons. First, non-completers did not fill out the post-program form. Second, pre-program forms were completed by offenders who had not completed their program by the end of the data collection period. Third, a number of offenders indicated they were no longer in a relationship or had no contact with their former partner, thereby rendering the post-program ABQ not applicable (N=35).

Table 3.5 Data Collection Instruments Received from the Abusive Men's Programs, by Site

Type of data collection instrument:	Early intervention sites		Coordinated prosecution sites		
	Peel N	Durham N	Ottawa N	London N	Hamilton N
Pre-program Abusive Behaviour Questionnaire	56	95	322	85	11
Post-program Abusive Behaviour Questionnaire	32	45	109	31	6
Both Abusive Behaviour Questionnaires	28	29	103	19	6
Client Data Form	43	87	348	102	11
Program Data Form	39	73	246	81	11
Client Satisfaction Form	35	78	147	37	8
All instruments	21	16	90	17	6

Similarly, the number of Client Data and Program Data forms does not correspond because Program Data forms are relevant for all referrals, while the Client Data form is only relevant for those who attend an assessment interview. Also, Program Data forms were completed when the offender finished or left the program; the form primarily contains information that can only be supplied when the offender leaves the program, while the Client Data form can be completed as soon as an assessment has been completed. Program forms were therefore not provided for offenders who are currently in the program, even though Client Data forms may have been completed.

All five data collection forms were available for only 150 program participants (calculated from the bottom row of Table 3.5).

4. Obstacles Encountered

The evaluation of the abusive men's programs involved the collection of self-reported behavioural information designed to gauge the effectiveness of the programs in terms of decreasing abusive behaviour. In order to perform valid statistical analyses, adequate sample sizes are required. Although the number of completed questionnaires is adequate to perform overall analyses, the data from the three Peel region programs cannot be analysed separately, and the results from Hamilton must be interpreted with caution due to low numbers.

The small number of completed forms occurred for four reasons. First, many of the programs did not receive the number of referrals that had been anticipated. This was particularly problematic in Hamilton and for the programs in Peel region, with Peel Family Services being the most affected of the three programs in that area. Second, the evaluation design was not completed until June 1998 and most programs had already started. Further delays occurred because, in some locations, it took considerable time (approximately four months) to gain the cooperation of the programs. Although most programs began administering the forms by the summer of 1998, because the programs run for a minimum of 15 weeks and data collection was halted at the end of September 1999, a maximum of only three program cycles was possible. (Multiple groups running simultaneously were found in Durham, Ottawa, and London.) Finally, some programs found it difficult to routinize data collection procedures, a situation that resulted in missing forms.

The reliability of the data on client characteristics and program completion was affected by the fact that complete data were not provided for all referrals. One program was uncooperative in completing forms and returning telephone calls. The evaluation team has no way of determining completion status and demographic information for offenders for whom data were not provided. In addition, if the program did not forward information on any given offender, the evaluation has no record of the participant. (In many cases, we could *not* determine from Crown brief/other file data whether the offender was referred to an abusive men's program affiliated with the Project.)

The validity of the self-reported data on abusive behaviour provided by the program participants was found to be highly questionable. These data were to be supplemented by partner-reported information collected through victim contacts. Unfortunately, few partners of offenders in the men's programs completed Abusive Behaviour Questionnaires. This occurred for a number of reasons, such as many victims were no longer in contact with their partner or did not anticipate a reconciliation (several had filed for divorce); others could not be reached for the post-program assessment. Pre-program Abusive Behaviour Questionnaire data are available for 32 pairs (i.e., program participant and partner) and Post-program Abusive Behaviour Questionnaires were obtained for 12 pairs.

5. Limitations of the Data

Definitive conclusions regarding the benefits of one program over another cannot be made. The ability to draw conclusions regarding the effectiveness of a given program in terms of reducing violence is also limited. The reasons for these limitations include:

- a. The small number of completed pre- and post-program behaviour checklists (the Abusive Behaviour Questionnaires) in most sites greatly affects the ability to perform statistical tests and limits the statistical validity of the tests.
- b. Incomplete data from most programs affect the generalizability of the results.
- c. Originally, it was intended that partner (victim) interviews would provide corroborating evidence on the degree to which a man's abusive behaviour had changed over the treatment period. The victim reports of the offender's abusive behaviour were to verify the behaviour reported by the participant. Unfortunately, the number of behaviour checklists completed by the partners of participants was very small,¹⁸ and thereby subject to the two limitations noted above. The data that were provided indicate that the participants under-reported their abuse in the six months preceding program participation.
- d. It is outside the scope of this evaluation to control for and assess the impact of the large variety of factors that may affect the effectiveness of any given program. For example, although the programs all use a cognitive/behavioural/educational approach, the method of implementing that approach has not been well-defined by program staff. Few of the programs have written manuals that describe the exact approaches taken by the facilitators in program sessions, rendering it virtually impossible to define how the programs differ in terms of desired content and how the content is actually operationalized. Moreover, results may be affected by a plethora of factors including, but not limited to: differences in client characteristics, therapist effects, the open or closed nature of a group, and the rate at which new members join the open groups.

Therefore, a rigorous evaluation of eight programs in six sites is a major research project requiring considerable time and resources. It was not feasible to do a longer term assessment of the impact of the program on offender behaviour.

¹⁸

This occurred because a number of victims interviewed were no longer with their abusers and because some victims who had completed the pre-program behaviour checklist could not be contacted at the conclusion of their partners' participation in the abusive men's program.

The Analysis

The data collected from Crown briefs and Victim/Witness Assistance Program files, victim interviews, and the instruments provided by the abusive men's programs were analyzed by a standard statistical science package (SPSS). The types of analyses undertaken included chi-squares, t-tests, ANOVA, and multiple regression and logistic regression – depending on the evaluation issues to be explored and the type of data involved.

It is accepted practice in social science research that findings with probabilities of less than 5 percent ($p < .05$) are statistically significant. This means there are fewer than five chances out of one hundred that the finding occurred by chance, i.e., randomly. We also report p-values (probability values) of $p < .01$ and $p < .001$, which mean the findings are due to chance are less than one in one hundred or one in one thousand, respectively. When a relationship is identified as "n.s." that means that it is not statistically significant at the $p < .05$ level. On occasion, however, we identify probability values of between $p < .05$ and $p < .10$; these p-values are marginally not statistically significant.

CHAPTER 4: THE DEVELOPMENT AND FUNCTIONING OF THE DOMESTIC VIOLENCE COURTS PROJECT

In outcome or impact evaluations such as this research on the Domestic Violence Courts, it is axiomatic that if it is not known how and to what extent the program being evaluated has been implemented, it is difficult to attribute outcomes to the various program elements. Each site can choose to operationalize elements of the Project differently. It is also possible for programs to choose not to implement the changes to the extent intended in the program design. These discrepancies can arise for a variety of reasons including local circumstances and preferences, resource constraints, and insufficient liaison among the project designers and program officials. One of the major benefits of evaluations such as this one is that the discrepancies can be identified and addressed early in the Project.

Therefore, qualitative information on practices and procedures in each site are reported to supplement the findings from the analysis of quantitative data and to interpret their meaning. One of the clichés in evaluation research is that this information helps observers to understand *why* the Project has, or has not, achieved its objectives.

This chapter is organized by court location, with the early intervention sites in Durham, Peel, and North Bay discussed first, followed by the coordinated prosecution sites in Ottawa, London, and Hamilton. Each project is described under the following headings: police practices, the process, community committees, and project issues.

It is important to emphasize that the details of police policies concerning the investigation of domestic violence incidents are not described in this chapter. Rather, particularly in the early intervention sites, the emphasis is on the main elements of the investigations and pre-trial detention. All policing services in the province have policies that persons suspected of domestic violence-related offences are to be charged when there are reasonable grounds to do so.

Early Intervention Projects

The design of the early intervention model does not involve enhanced evidence such as videotapes of victim statements. However, where possible, police practices with regard to the collection of such evidence are included in the description of the early intervention sites.

1. The Peel Domestic Violence Project

This section describes the implementation of the program in Peel Region. The Peel Project began accepting cases in December 1997. As of June 30, 1999, 131 cases had completed the batterers' program and been sentenced by the court.

The Victim/Witness Assistance Program received an additional Assistant Coordinator to assist in the functioning of the Project. There is an Assistant Crown attorney assigned to the Project, but the Crown in this position coordinates the Project and does not have exclusive operational responsibilities (e.g., in the selection of suitable candidates for the Project). The early intervention sites did not receive new Crown positions as a result of the Project.

Police Practices

There are no specially trained patrol officers or detectives assigned to the investigation of domestic violence cases in Peel Regional Police, although each division has a Family Violence Coordinator who reviews police reports of domestic violence.¹⁹ When called to a domestic incident, it is the responsibility of the attending officer to investigate the allegations and to gather evidence.

Videotaped statements are used for domestic cases, but tend to be restricted to the more serious incidents – several officers interviewed said that arranging videotaped statements is a resource issue. When an investigating officer observes that the victim has visible injuries, the victim may be asked to attend the Identification Bureau to have photos taken; officers said that many victims do not follow through on requests for photographs.

Before leaving the residence, it is police policy to provide the victim with information cards for Victim Services of Peel, a private, non-profit organization attached to Peel Regional Police. If the officer believes that crisis intervention is necessary, agency personnel are available to attend the scene 24 hours a day.

If the accused is released at the station, on a police undertaking for example, interviews indicated that the investigating officer is responsible for informing the victim and any conditions of the release.

To alleviate concerns that domestic violence suspects were not receiving non-association conditions, the Regional Family Violence Coordinator sent a memorandum to police officers suggesting that the victim is better protected through an undertaking with conditions, when holding the accused for a bail hearing is not an option. Of Project cases in 1998 and 1999, 8 percent of accused were given an appearance notice or promise to appear, 43 percent were released on a police undertaking (i.e., station release or release by the officer-in-charge), and 50 percent were held for a bail hearing. Of those released on a police undertaking, 95 percent had a condition of non-association with the victim.

If the accused is held for a bail hearing, Victim Services of Peel notifies the victim when the accused is released.²⁰ A Victim Services staff member is present at all bail hearings, and therefore should be able to notify the victim of the decision on the day of the hearing. Victim Services may offer court support beyond the show cause hearing if a

¹⁹ There is also a Regional Domestic Violence Coordinator whose responsibilities include ensuring that a consistent monitoring process for all domestic incidents is maintained.

²⁰ All Project offenders detained by the police were released following a bail hearing.

client requests that the same worker be present throughout the process, although most cases are transferred to the Victim/Witness Assistance Program. The practice of having Victim Services of Peel staff attend all bail hearings and provide other support to victims is unrelated to the introduction of the Domestic Violence Project.

The Process

Eligibility for the Project is determined by a Crown attorney during charge screening. Because Crowns rotate into the screening function, all Crowns must be aware of the existence and entry criteria of the Project. Defence counsel at times initiate the process. If the accused person meets the eligibility requirements, the matter is referred to the Victim/Witness Assistance Program in order to make contact with the victim. Once contact is made (usually by telephone), victims are asked to attend an information session on the program. Some victims are already aware of the existence of the Project, as staff of the Victim Services of Peel inform their clients about the program if, after reviewing the occurrence report, they believe the case might meet the eligibility criteria of the Project.

Information sessions are held weekly and are attended by an Assistant Crown attorney, a VWAP staff member, and generally from one to six victims. A recent innovation is to provide child care at the sessions for victims who are unable to make other arrangements. At the information meeting, the program is explained, the abusive men's program is described, community resources and information are reviewed, and issues surrounding woman abuse are discussed. After this material is presented and the Project explained, victims are consulted as to whether they would like their partners to enter the program. Women who are reluctant to agree to their partner's participation generally would prefer that the charges be dropped. Victim consent is not required before the accused can enter the program.

If a victim is unable to attend an information session, VWAP staff may set up a one-to-one meeting at the victim's convenience. Occasionally, information is provided over the telephone, but VWAP staff prefer to meet with their clients in person. VWAP staff also provide case-specific information (e.g., its court status) when requested by the victim. The VWAP Coordinator plays a liaison role for the Project, including attendance at meetings of the community committee, discussed below.

The time between the information session with the victim and the accused's next court date can be several weeks. This means that the victim may have knowledge of the program long before the accused, who often is concerned about what is happening to his case. This time lag may affect the length of the case process; the accused may, for example, seek the assistance of retained counsel – a decision which often lengthens the court process.

If the accused agrees to enter the program, he is required to sign a consent form to allow the service provider access to a copy of the synopsis of the offence, bail conditions,

and other information in the Crown brief.²¹ Upon entering a plea of guilty, sentencing is adjourned for 20 weeks. At that time, bail is varied to include conditions that the offender must make contact with the counselling program assigned²² within 48 hours, and that the counselling sessions be attended in a sober and drug-free condition. Staff of the Victim/Witness Program fax the program to which the offender is assigned to ensure that program staff is aware of the referral.

The large majority of accused persons that enter the Project (about 85 percent) have a condition that requires the accused not to communicate with the victim. In most cases (over 90 percent), the non-association condition is removed after consultation with the victim and with Crown consent. Initially, at the suggestion of the local coordinating committee, the "no contact with victim" condition was not varied until after the offender had attended two sessions of the abusive men's program. Recently, however, the "no contact" condition is varied at the guilty plea hearing if the victim requests its removal and the Crown agrees.

If the accused successfully completes the treatment program, the Crown recommends a conditional discharge with probation as the appropriate disposition. If further treatment is deemed useful, it may be included as a condition of the probation order. Ultimately, of course, the recommendation of the Crown is subject to the discretion of the sentencing judge. The quantitative data show that 93 percent of Project cases received discharges and one offender had the charge withdrawn after program completion.

Domestic Violence Court Monitoring Committee

This Committee is made up of members of the criminal justice community and service providers, and includes representatives from VWAP, the Crown's Office, Probation Services, the three abusive men's programs, Family Life Resource Centre, Peel Regional Police, and Victim Services of Peel. A second committee was struck in late 1998 to deal with administrative and ongoing operational matters affecting the abusive men's programs.

The Committee meets about once a month to discuss issues surrounding the operation of the Project. The Committee originally had difficulty overcoming issues such as the appropriate length of the abusive men's programs and funding. As multiple members from each service organization were represented originally on the committee, the size of the committee often slowed the decision-making process. This situation was remedied by limiting attendance to one representative from each organization, with the stipulation that the attendee has the authority to make decisions.

The meetings of the Monitoring Committee have been fractious at times. Furthermore, the precise role of the Committee in relation to the Project and to community

²¹ At the request of the Peel treatment programs, the accused also signs consent for the release of program-related data to this research.

²² Three abusive men's programs in Peel Region are contracted to provide services to these offenders. Assignment of offenders is rotated to each program either by the Crown's office or staff of the Victim/Witness Assistance Program.

agencies has not been clearly established. A respondent recommended that a protocol be developed to clarify roles and responsibilities of the various stakeholders involved in the DVC Project in Peel Region.

Project Issues in Peel

The operational issues that have been identified in the Peel Project are as follows.

- a. The number of cases referred to the Project was lower than expected and the abusive men's programs have been under-utilized. The concern is that many accused lack an incentive to participate. First offenders typically received a conditional discharge before the Project began and almost one-half had their charges withdrawn, stayed, or dismissed.²³
- b. Initially there was no method of informing the abusive men's programs when their clients were charged with a bail violation or a new offence. This matter was substantially resolved by a police procedural change. A notation is to be attached to offender files indicating that, if there are additional police contacts, they should be brought to the attention of the domestic violence Crown and the Victim/Witness Assistance Program, who will then pass the information on to the abusive men's program to which the offender was assigned.
- c. Some members of the Monitoring Committee expressed concern that minority groups were not being referred to the Project. In Peel, the second most common language is Punjabi followed by Italian and Portuguese. The quantitative data do not support the conclusion that minority group participation in the Project is lower than what would be expected. File data show that the Project participants do not differ from the matched comparison group dealt with in the year preceding Project start-up: the proportions of victims who required interpreters and of accused persons who were born outside of Canada were almost identical in both time periods. Data therefore indicate that minority group access to the Project is not problematic.
- d. There is a need for clarification of the role of the Monitoring Committee in relation to the Domestic Violence Courts Project. A protocol to outline the roles and responsibilities is desirable.
- e. Better coordination is required to ensure that cultural interpreters are available when required by VWAP and the Crown.
- f. A system to inform the accused of the Project option as soon as possible after victim input is obtained is desirable.

²³

See Tables 5.30 and 5.31 in Chapter 5 and the associated discussion.

2. The Domestic Violence Project in Durham Region

The Project began operating in December 1997 and by the end of June 1999, the cases of 113 offenders had been concluded. The Victim/Witness Program received an additional Assistant Coordinator to assist in the operation of the Project, but as in other early intervention sites, no new Crown resources were assigned. An Assistant Crown attorney acts as the liaison between the Project and the Crown's Office and other agencies but has no direct day-to-day responsibility for the functioning of the Project.

Police Practices

When the Spousal Occurrence Policy was first implemented in 1996, a one day training session was offered to Durham police officers. The original plan was to offer domestic assault training to all uniformed officers but, after a pilot at one division, it was decided that training front-line supervisors instead of all 600 Durham officers would be more efficient. The one day course offered to front line supervisors consisted of a review of the new policy and was attended by representatives of local women's shelters, probation, the Crown's Office, and the Children's Aid Society.

Videotaped interviews of victim statements are most likely to be done in cases involving serious injury – that is, cases that are not eligible for entry into the Project. Scenes of Crime Officers (SOCOs) are available 24 hours a day to take photos of victim injuries. If the SOCOs are too busy to attend the scene when requested, the victim may be asked to come to the station the following day to be photographed. The availability of the SOCOs appears to be a factor in the use of photographs in Durham, which are taken more frequently than in other project sites.

According to the Spousal Occurrence Policy of the Durham Regional Police Service, officers should provide victims of crime with pamphlets describing the services available in the region. The officers interviewed said they generally carry information on shelters and support services, but sometimes forget or lack the time to hand them out.

Before the investigating officer leaves the scene, the victim may be told if the accused is likely to be released on a police undertaking and the probable conditions of release. The releasing officer is formally responsible for telephoning the victim when the accused is released by the police. The Victim Services Unit of Durham Regional Police also call the victim to ensure that she knows that the accused has been released, and it is their policy to offer to mail the victim a copy of the release documents with the conditions of release. This follow-up procedure appears to be necessary because officers may forget to notify the victim when the accused is released at the station. Just over half (52 percent) of the cases dealt with by the Project were released on a police undertaking, with most of the remainder held for a bail hearing. All accused persons released on a police undertaking had a non-association condition.

The Victim Services Unit is responsible for telephoning victims when the accused is released at a bail hearing. The bail hearing officer notifies victim services about the

release and corresponding conditions. Unit staff make an effort to call all victims the day of the bail hearing but, as they are only available from 8 a.m. to 4 p.m., providing victims with information about the bail hearing outcome may be delayed. According to file data, all Project participants were released at the bail hearing and all were ordered not to associate with the victim. Crowns who act at bail hearings are instructed to notify victims with information on the release conditions.

Occurrence reports of all spousal occurrences, even those where no charges are laid, are sent to the Victim Services Unit so that staff can conduct a telephone follow-up.

The Process

Identification of cases eligible for the Project is the responsibility of both the Crown and Victim-Witness staff. Crown attorneys are responsible for making the final determination of program entrance with input from VWAP staff and the victim. All Crown attorneys in the Crown's Office may refer matters to the Project. Victims are not required to consent to the program, but are consulted in most cases either by the Crown or by VWAP staff.

If Victim/Witness staff initiate the process, when a case appears to be suitable for the Project, the victim is contacted to seek her input into her partner's participation, and a memorandum is added to the Crown brief indicating the suitability of the accused for the program and the preferences of the victim. VWAP staff try to conduct in-person, individual meetings with victims. If victims prefer, VWAP staff consult them over the telephone or travel to other locations in the region for a meeting. If the victim cannot be reached, the accused may be offered the program without victim consultation. The Crown and/or staff of VWAP will inform the victim of the Project in these instances. Some cases are identified later in the court process by the Crown or, more rarely, defence counsel.

When the eligibility criteria are met, the offender pleads guilty and is directed to a 20 week counselling program organized by the Regional Municipality of Durham Department of Social Services. The accused is expected to sign a consent allowing information-sharing between the treatment program and the court. After the hearing at which the offender enters a plea of guilt, the case is adjourned for approximately 24 weeks.

If the police have held the accused for a show cause hearing, the bail hearing Crown almost always asks for a surety and always asks for a non-association condition – according to both interviews and file data. When the program first began, there was automatic variation of non-association order, and it was the responsibility of the victim to write a letter to the Crown's Office if she did not want the condition removed. This procedure was soon changed to place the onus on the offender to request a variation of bail. The conditions of bail or police undertaking remain in effect until a request is made for the removal of court-ordered conditions, usually after attendance at four or five sessions at the abusive men's program.²⁴ Bail conditions are varied only after consultation

²⁴

The director of the contracted abusive men's program was asked to provide the Crown with a letter making a recommendation with regard to the removal of bail conditions after the offender had

with the victim. Of the Durham cases for which the information is available, 75 percent had the non-association clause removed after attending several sessions of the abusive men's program.

A Community Crown, a position rotated through the Crown's Office, is available four days a week to meet persons seeking information about court cases. Among his/her responsibilities is to speak to victims about the variation of bail conditions.

If the accused fulfils the requirements of the abusive men's program, then the Crown may recommend a conditional discharge and a period of probation. The presiding judge has, of course, the final decision on sentencing.

Persons involved in the implementation of the Project in Durham initially recommended that one court room be designated to deal with Project cases.²⁵ The recommendation was not supported by the judiciary.

Local Coordinating Committee

Until the early winter of 1999, there was no local advisory committee in Durham. Instead of forming a committee, the VWAP Coordinator and the Assistant Crown responsible for the Project attended meetings with stakeholders in each of the Durham communities, such as women's shelters, the Violence Against Women Protocol Committee, and the Violence Prevention Council.

Project Issues in Durham

The following operational issues were identified during the evaluation period.

- a. There is a need to design procedures to ensure that input from all victims is obtained by staff of the Victim/Witness Assistance Program before the Project is offered to the accused.
- b. The criteria for admission of cases into the Project should be reviewed, and "borderline" cases should be carefully assessed, perhaps by developing a monitoring system to review the appropriateness of their entry into the program.
- c. There is a need to review the timeliness of referrals to the Project so that potential candidates are identified as early as possible in the process – preferably at charge screening.
- d. With regard to breaches of bail conditions, information sharing among the police, staff of VWAP, the Crown's Office, and the abusive men's program should be

attended the program for four sessions. He declined because he was reluctant to make a recommendation based on limited knowledge of the offender.

²⁵ Designating a courtroom for DV cases does not necessarily mean that the same judge hears all these cases.

reviewed. Discussions with senior police officers may assist in improving police response to notification that the offender has violated bail conditions by not attending the abusive men's program as required.

- e. Improved liaison between the Project and community agencies involved in violence against women issues, and between the Project and Probation Services, should be considered. The recent establishment of an advisory committee for the Region is the first step in this regard.

3. North Bay Domestic Violence Project

The Project in North Bay began in early 1998. The total number of cases referred to the Project is approximately 15. The Victim/Witness Program received an additional Assistant Coordinator whose responsibilities include the Project administration.²⁶ The specialized Assistant Crown attorney who was at first responsible for the Project moved to another position in the spring of 1998. Since then, because of staff shortages in the Crown's Office, no Crown has been assigned this responsibility. The senior Crown has assumed responsibility for some of the work associated with the Project.

Police Practices

North Bay and the surrounding area are served by the North Bay Police Service and the Ontario Provincial Police, Northeast Region. Although there are no specially trained patrol officers assigned to the investigation of domestic violence cases, officers from both services received a one-hour training session on the Domestic Assault Project. In addition, the OPP Abuse Coordinator provided a one-hour session on the dynamics of domestic abuse and the cycle of violence to OPP officers as part of in-service training. The training session provided to both police services was delivered by VWAP staff and a Crown attorney.

The investigating officer, an uniformed patrol officer, is responsible for all aspects of a domestic violence investigation. OPP officers must report all domestic violence cases to their Detective Sergeant, who is ultimately responsible for ensuring that appropriate policies are followed. Videotaped statements are used for domestic cases but in North Bay tend to be restricted to the more serious incidents – rarely those eligible for the Project. The use of videotaped victim statements is encouraged by the OPP and each detachment has a video camera.

When an investigating officer observes that the victim has visible injuries, or there is property damage at the scene, photographs may be taken. The North Bay Police Service has one Polaroid and one 35-mm camera available to patrol officers. The Identification Unit may also attend the scene for photographs. However, North Bay officers usually

²⁶

Although participation in the program has been lower than expected there are a large number of ineligible domestic violence cases in North Bay. The Assistant Coordinator position in VWAP has been used to provide services to over 250 domestic violence cases annually.

request the victim to attend the station for photos the day after the incident. Typically, an OPP identification officer attends the victim's residence to take photographs within 48 hours of the incident. In a serious incident, the OPP requests that Scenes of Crime Officers take photos of the scene and victim injuries.

Before leaving the scene of the incident, it is police policy to provide the victim with information cards which list telephone numbers for VWAP, the Crown's Office, and a variety of regional community services. If the officer believes that crisis intervention is necessary, Victim Crisis and Referral Service (VCARS) personnel are available to attend the scene 24 hours a day. The North Bay police have recently implemented a position of Victim Services Coordinator, who is available to provide support on a 24-hour basis. The Victim Services Coordinator conducts follow-up calls to victims and provides safety planning on an as-needed basis.

If the accused is released on a police undertaking, it is the responsibility of the investigating officer to inform the victim of the release and any conditions of the release. Although not a specific OPP policy, officers are encouraged to contact the victim in the case of an accused's release. However, both police services indicated that in the majority of cases, an accused is held for a bail hearing because a Justice of the Peace can impose conditions that are more restrictive. Officials from both policing services indicated that officers frequently contact the victim to inquire about their preferences regarding release conditions. It is standard practice for a non-association condition to be included in the police undertaking.

When an accused is released at a bail hearing, either VWAP or the court liaison officer informs the victim of the release and any conditions. If the suspect is released after regular hours, the court liaison officer will contact the police duty commander who will inform victims of the release. VWAP provides victims with a copy of the release order. A respondent from the North Bay Police Service indicated that if the release occurs late in the day, the court officer would call the sergeant's desk to ensure that someone informs the victim of the release. A VWAP staff member and/or court liaison officer is present at all bail hearings, and therefore should be able to notify the victim of the decision on the day of the hearing.

In all domestic violence cases, the first appearance of the accused is scheduled within 72 hours of the reporting of the incident – even for those accused who have not been held by police.

Some changes to police practices are associated with the Project. In particular, the development of a "blue card" – an information card for victims – is a procedural change. Also, investigating officers are required to complete a Domestic Violence Crown Brief Supplementary form, which provides details of the relationship between the parties as well as information on the victim's emotional/psychological state, medical condition, medical treatment required, the types of evidence collected, risk factors, and type of release. The form must be faxed to the Crown's Office within 24 hours of the incident.

The Process

The senior Crown screens most domestic violence cases to assess the accused's suitability for the program. Frequently the information required to determine suitability is contained in the Crown Brief and the Domestic Violence Crown Brief Supplementary form. Further information is available from a memorandum outlining VWAP's telephone or in-person interviews with victims. When information is missing, the Crown may contact the victim or ask VWAP to do so. If the accused meets the eligibility criteria, the Crown informs the accused and his lawyer of eligibility for the program at the next court date, as part of disclosure.

Although the majority of domestic violence cases are screened by the senior Crown, all Crowns are aware of the program. If the eligibility criteria are met, the Crown indicates the recommendation on the Duty Crown Worksheet for Domestic Violence, which is provided to the accused and defence counsel at the first appearance. Acceptance by the accused may be indicated at the time of disclosure, or, more frequently, at a subsequent court appearance.

VWAP plays a support role in the implementation of the program. It is the responsibility of VWAP staff to call victims of domestic violence within 24 hours of the incident. Victims are also invited to attend the office for an individual meeting to discuss the services available. If a victim chooses to meet, VWAP staff are aware of the Crown's decision regarding eligibility for the program by the time of the meeting and can then discuss this option with the victim. VWAP staff routinely provide the Crown's Office with a memorandum indicating with whom they have spoken, what was discussed, and indications regarding reconciliation and Project participation. VWAP staff are available to provide case-specific information when requested by the victim.

A VWAP staff member attends bail hearings and visits the Crown's Office daily to review Crown screening forms for domestic violence cases. In this way, VWAP staff are kept informed about domestic violence cases that are deemed eligible for the Project, and to ensure that the victims of all domestic incidents are contacted.

Upon entering a plea of guilty, sentencing is adjourned for 22 weeks. At the plea, bail will be varied to include the conditions that the offender must make contact with the counselling agency assigned within 48 hours and that the accused must attend counselling in a sober and drug-free condition. The service provider for the Project is the Community Counselling Centre of North Bay. The bail Crown is to fax notification of the offender's agreement to participate to the abusive men's program, so that attendance within the 48-hour period can be tracked.

Although the release order prohibiting contact with the victim remains in effect, variations are considered on an individual basis. Typically, a Crown assesses suitability for varying the no contact condition on the Friday of each week. Although the condition may be varied at the time of entering a guilty plea, it is generally preferred that the offender attend one or two sessions at the Community Counselling Centre. Because it is

expected that most couples will reconcile, it is considered desirable that contact between the partners occurs when the Counselling Centre is performing a monitoring function so that action can be taken in instances of recurring abuse.

If the offender successfully completes the treatment program, the Crown's position is that a conditional discharge with a short period of probation is the appropriate disposition. However, the Crown's recommendation is subject to the discretion of the sentencing judge.

Domestic Violence Court Project Steering Committee

Before the Domestic Violence Courts Project, there was no local violence against women committee. However, the Crown who undertook primary responsibility for the development of the Project in North Bay gathered local stakeholders and agencies to form the Domestic Violence Court Project Steering Committee and was designated the Chair of the Committee. The following agencies were represented on the Committee: Victim/Witness Assistance Program, North Bay Police, Ontario Provincial Police, Probation and Parole Services, Community Counselling Centre, and services for victims of domestic violence, including Esprit Centre, Ojibway Resource Centre, and Amelia Rising. The Sturgeon Falls and Anishnabek Police services were invited to attend, but were not permanent members of the Committee. Invitations to Committee meetings were extended to all victim services agencies.

The purpose of the Committee was to consult the various stakeholders and to make changes in agency procedures to facilitate the achievement of the goals of the Project. The Steering Committee was to develop a plan for the Project, including goals and objectives, activities, management practices and procedures, an evaluation plan, and an action plan. The Committee reviewed the initial work completed by the designated Crown and assisted in the development of the Project for the community of North Bay. The Committee has not met since the spring of 1998, when the Crown was reassigned to another jurisdiction. At the time of the Crown's departure, the Committee was developing the protocols and roles of the various players; this has not been completed.

Although community agency personnel said that the Committee is a useful forum for information sharing about the Project, at least one agency expressed concern that there was insufficient time to gain meaningful community input, and that much of the developmental work had been done without community involvement.

Project Issues in North Bay

Interviews indicated that a few issues have arisen during the implementation and initial period of operation of the Project.

- a. Initially, members of the defence bar were opposed to the Project because of the requirement that the offender pay a fee for the abusive men's program. In their

view, offenders could obtain the same or similar program without charge from probation. This opposition has since been reduced.

- b. Staff shortages in the Crown's Office meant that the initial start-up work has not been completed and no meeting of the community committee has taken place for some time. The finalization of the various roles and responsibilities of the stakeholders and agencies involved in the project has been delayed.
- c. There were relatively few referrals to the Project (about 15 cases) during this evaluation. This is not precisely an "issue" since North Bay respondents believe that the low rate of referrals to the program simply reflects the number of accused who are eligible for and who agree to participate in the Project. The smaller pool of eligible cases in the North Bay area may be proportionate to the overall smaller caseload for all cases, compared to other Project sites. However, because pre-Project data on the volume of potential cases that would have been eligible for the Project are not available, the reasons for the low Project caseload cannot be precisely identified.

The Coordinated Prosecution Model

The Domestic Violence Project courts in Ottawa-Carleton, London, and Hamilton-Wentworth deal with all cases of domestic violence where charges have been laid, regardless of the seriousness of the incident or the prior record of the accused. Among the activities associated with this model are enhancements to police and prosecutorial practices and more efficient case processing. More effective investigations and prosecutions and improved support for victims are among major objectives of this model.

1. Ottawa Domestic Violence Court

At the time of the announcement of the Domestic Violence Court in mid-1997, inter-agency collaborative efforts designed to more effectively deal with domestic violence were already well under way. The heads of the organizations involved had already formed a committee to explore system changes (see below). Existing plans were incorporated into the operation of the DVC Project.

The Project began in early February 1998. Approximately 1,000 domestic violence cases are dealt with annually by the specialized court. The Crown's Office received two Assistant Crown Attorney positions to work on the Project; VWAP received two additional Assistant Coordinators for the same purpose. At first, two full-time and two part-time Crown attorneys worked on the Project. More recently, three full-time Crowns are responsible for the Project.²⁷ The specialized domestic violence Crowns do the charge screening for domestic cases. Regular Crowns prosecute at bail hearings whereas the specialized Crowns prosecute most domestic matters dealt with in the specialized court.

A court is reserved for cases of domestic violence three days a week. This court deals with pleas and trials.²⁸ First appearances and bail matters continue to be dealt with in regular courtrooms assigned for that purpose. Judicial assignments to the specialized court rotate, although a senior judge tends to sit more often than do other members of the bench. In the view of many, the specialized court has accelerated case processing.

Police Practices

The Ottawa-Carleton Regional Police has a specialized unit of detectives, the Spousal Assault Section (now called the Partner Assault Section), responsible for the investigation of all domestic assaults in the region. The Unit has one staff sergeant, two sergeants, and five detectives, who work day and evening shifts. Uniformed patrol officers are responsible for responding to the initial complaint. This includes the taking of initial statements from the victim and other witnesses, and may involve asking the victim to have his/her photograph taken and to be videotaped. Officers are encouraged to ask victims for

²⁷ The third full-time Crown is often required to work on other matters.

²⁸ However, it is not uncommon for guilty pleas to be moved to another court if the list is heavy. In addition, longer trials are scheduled in a different court.

a videotaped statement, but several officers interviewed said that this is not necessarily a part of their routine.

When the accused is apprehended at or near the scene, uniformed officers take him/her to the station, where it is decided by the officer in charge whether to hold the accused for a bail hearing or to release him/her on a police undertaking. A very small proportion of domestic abuse suspects were released by way of a Promise to Appear or other release mechanism that does not involve a non-association condition. In the file sample, only 2 percent of accused were released without conditions, 35 percent were detained for a bail hearing, and 63 percent were released on a police undertaking. Accused released by police on an undertaking almost always had a condition of non-association with the victim.

Paperwork on all domestic violence cases is sent to the Spousal Assault Section within one day of the incident. The detectives in the Unit "triage" the cases in order of seriousness in order to accommodate the heavy workload. These officers are responsible for: conducting any follow-up interviews required; keeping in contact with victims and providing information on the court case at his/her request; requesting a videotaped statement or photographs in some cases (if not already done by the uniformed officer); and, coordinating Crown requests for 911 audiotapes and other information, such as previous police contacts of the accused for domestic abuse.

Although the specialized detective unit was in existence well before the start-up of the Domestic Violence Court, the Project has brought about changes in the Section. The detectives now receive many more requests for additional information and evidence from the Crown's Office than they did in the past. In addition, videotaped evidence is utilized more frequently for domestic assault cases. These factors greatly increased workload according to respondents.

The file data show the following examples of enhanced police investigations.

- In over 52 percent of cases,²⁹ the Crown requested and almost always received a 911 audiotape of the call for service.
- Videotaped statements of victims were taken in 13 percent of cases where the victim made a statement. An additional 7 percent of victims were asked by police to make a videotaped statement but did not do so.
- In 26 percent of cases where there were visible injuries, photographs were taken of those injuries.
- In 76 percent of cases where the victim had received medical attention (a relatively small number), officers asked the victim to sign a release to obtain their medical records.
- In almost 30 percent of cases, there is an indication in the Crown brief that the police checked for prior domestic-related occurrences involving the accused.

²⁹

The proportion may be higher than 52 percent; in almost 20 percent of files, we could not determine if an audiotape was requested or received. Interviews suggest that it is now routine for the Crown to receive audiotapes of all 911 calls for assistance from police.

The police officers who are responsible for Crown briefs identify domestic violence cases by placing the brief in purple file folders and forwarding them to the specialized Crowns for charge screening. The court section is also responsible for informing victims about the release conditions if the accused is released at a bail hearing. It is not certain if this is done routinely; about one-quarter of victims interviewed in Ottawa said that they had not been informed, but this proportion includes release by the police as well as release after bail hearings (Table 7.4 in Chapter 7). A respondent said that there is a good system in place to notify victims of bail hearing outcomes. In the opinion of some persons interviewed, victims should be automatically mailed a copy of the release order.

A risk indicator instrument, the Domestic Violence Supplementary Report, has been introduced in Ottawa. The Report requests more information on the victim and the accused. Its purpose is to assist officers in standardizing investigations as well as to inform the Crown of special circumstances of the case. The examination of Crown briefs done for this evaluation found that officers do not routinely complete the form, at least at the time the data were being collected (to the summer of 1999)

No additional funding has been received by the Ottawa-Carleton Regional Police for the enhanced investigations being provided by the service. Costs, especially the human resources required to obtain 911 audiotapes and videotaped statements, are said to be high.

The Process

VWAP sends a letter to all domestic violence victims within two to three weeks of the incident.³⁰ The letter includes a pamphlet on domestic violence and informs victims of the weekly information sessions organized by Victim/Witness staff. When victims call VWAP in response to the letter, staff inform them of the status of the case, the services offered by the Program and those available in the community. Before April 1998, VWAP had experienced difficulties in obtaining the names of all victims; since then, Program staff try to review domestic violence files before they are sent to the Crown.³¹ VWAP changed its practices early in the Project for cases that have an early resolution (e.g., while the case was still in remand court); victims are now telephoned to advise them of the case outcome.

There are "early" Crown interviews held relatively soon after the incident, and "pre-trial" interviews when a trial date is set. As well as answering any questions that the victim may have, in the early interviews, the Crown may explain the court process and may discuss the bail conditions. Many victims ask that the non-association condition be removed. The early meetings are scheduled at the request of the victim, either in response to contacts by VWAP or on his/her own initiative. The pre-trial interviews are more

³⁰ The Victim/Witness Program now sends letters to all domestic violence victims within one to two weeks of the incident and follows up with a telephone call to all cases that are identified as high risk.

³¹ However, during the course of data collection for this research we did find that a number of domestic violence cases dealt with by the court did not have a VWAP file.

directly concerned with trial preparation, including having victims review their statements. VWAP staff telephone victims about two weeks before the trial date to find out if they wish to speak to a Crown.

The specialized domestic violence Crowns are present in the dedicated court on the three days a week that pleas and trials are conducted. The Crown that has met with the victim is not necessarily the same person who prosecutes at trial. A system has been established to attempt to provide continuity in Crowns, but it fails at times. Of course, the prosecuting Crown has access to the notes from the meeting with the victim in the Crown brief. Dissatisfaction with the lack of continuity was evident in interviews with Ottawa victims.

When victims request that the bail conditions be varied or that the charges be withdrawn, staff arrange for them to meet with a specialized Crown (the "early" interviews) and to meet with VWAP to discuss safety issues, the cycle of violence, community resources, court procedures, and Crown policies. VWAP staff arrange for cultural interpreters as required.

In addition to these meetings, VWAP sets aside Wednesday afternoons for group meetings with victims. Their purpose is to inform victims about the court process, trial protocol, testifying, and about community resources and VWAP services. The number of persons attending these sessions ranges from none to half a dozen.

Other VWAP Project-related responsibilities include: contacting victims if the accused makes an application to vary his/her bail conditions; providing regular updates on the court process over the telephone; providing individual court preparation/orientation as required; and contacting victims by telephone to advise them of the trial date. Because of workload, VWAP staff do not generally attend court with victims. A program using volunteers was terminated at the conclusion of the pilot period.

VWAP statistics suggest that approximately 75 percent of victims have in-person or telephone contact with the Program. The majority of the victim contacts are done over the telephone.

Partner Assault Support Team (PAST)

PAST is a working group established by the Regional Round Table to End Violence against Women. The Round Table, established in 1996 to bring a more collaborative and systematic focus to handling partner abuse, is made up of the heads of the agencies involved in the process (e.g., the police chief, head of Social Services, the Area Manager of Probation and Parole Services, the senior Crown attorney) as well as representatives of violence against women organizations and of the gay and lesbian community.

The Partner Assault Support Team is composed of: the liaison officer for the Project from the Ottawa-Carleton Police, Victim Crisis Services of the Police Service, the

specialized domestic violence Crowns, and the VWAP Coordinator as well as representatives from Regional Social Services, Probation, and Children's Aid Society. PAST was implemented to ensure that criminal justice professionals work together to ensure that victims receive protection and support throughout the criminal justice process. The Team meets weekly to discuss issues surrounding the investigation, prosecution, and treatment of domestic abuse cases. The meetings address both the management of individual cases and larger systemic operational issues.

The information sharing and inter-agency liaison functions of the Team are believed to be critical in ensuring a uniform approach to domestic violence. For example, CAS may be informed when the police report indicates that young children observed the violence; the CAS liaison worker checks to make sure that the line worker (if one is already assigned to the case) is aware of the situation or alerts the local CAS office (if the family is not already on the CAS caseload). The Social Services official on PAST is responsible for assisting women in crisis to obtain emergency financial support (social assistance).

The staff sergeant in charge of the Partner Assault Section sits in on some PAST meetings. A staff member from the abusive men's program attends meetings once a month to raise issues specific to the relationship between the program and the other components of the criminal justice system.

There is no other committee directly involved in the Ottawa DVC Project. Unlike London and Hamilton, representatives of community agencies dealing with domestic violence are not directly involved in the Project. However, the VWAP Coordinator attends city and regional meetings of umbrella organizations dealing with domestic assault, and keeps these organizations informed about the Project. Respondents acknowledged that increased participation of the community is desirable, and it is likely that representatives of community agencies will be invited to become involved in the DVC Project.

It was recommended that the roles and responsibilities of participants in PAST be clarified by the development of a written protocol for each agency involved.

Project Issues in Ottawa

The main issues raised in interviews can be briefly summarized.

- a. The lack of human and other resources in the police service to deal with the enhanced investigations required for domestic violence cases is seen as problematic by a number of respondents.
- b. There is a need for additional, ongoing training on domestic violence for all patrol officers, non-specialized Crown attorneys, and members of the bench.
- c. Patrol officers should continue to improve their investigations and the collection of evidence, such as witness statements.

- d. There is a need for improved procedures to inform victims of the accused's release at the station, including the conditions of release.
- e. There is a need for greater accountability of offenders who refuse to participate in the abusive men's program (e.g., program dropouts). There should be more support from probation personnel when offenders violate probation orders. Breach of probation charges laid by probation officers are not always dealt with by the specialized court and hence ready monitoring is not possible.
- f. Interviews with defence counsel initially found that there was something of a backlash among the defence bar towards the Project. There was resentment at the speed at which cases were processed and the unwillingness of the Crown to negotiate. These attitudes have ameliorated over time.
- g. Issues of confidentiality regarding PAST have been raised – i.e., the limits to sharing case-specific information with the agencies on the Team should be established. (This issue is in the course of being addressed.)
- h. The roles and responsibilities of the agencies on the Team should be written down in the form of a protocol. This will be particularly important if PAST expands its membership to include community agencies.
- i. In general, more DVC Project procedures should be documented in order to (a) assist in training new staff; (b) assist in monitoring consistency of practice (easier to do if there is a written standard); and, (c) be able to share "best practices" with other jurisdictions.
- j. There is not always continuity of Crowns. Crowns who meet with the victim do not necessarily prosecute the case.

3. London Domestic Violence Court

The Project in London began in February 1998. There is no designated court in London to deal with cases of domestic violence. Two Assistant Crown attorneys were designated as domestic violence Crowns in London, but one of the two has been responsible for the bulk of the work. VWAP received two Assistant Coordinators to assist in Project functioning.

Police Practices

The Middlesex Court of Justice is served by the London Police Service, Strathroy Police, and the Ontario Provincial Police (OPP). The large majority of domestic violence cases are dealt with by London Police, and this discussion centres on its practices.

All London Police officers were trained on domestic violence to accommodate requests for enhanced evidentiary collection for the domestic violence court. Five hours of in-service training was provided. Internal police staff conducted two hours of the training on procedural issues. The other three hours of training – offered by the Family Consultants Unit (victim services) and Women's Community House – focused on police interviews with victims of domestic violence and support services in the community. In addition, the VWAP Coordinator attended all parades over a two week period in order to inform officers about the Project and VWAP services.

In London, the investigating officer, a uniformed patrol officer, is responsible for all aspects of the investigation. The exception is in serious cases, such as aggravated assault or attempted murder, where the case is passed over to detectives in the Major Crime section. It is the responsibility of the investigating officer to inform the victim if the accused is released on a police undertaking. If the accused is held for a bail hearing and is released, the court officer is to inform the victim of the bail conditions.

Data on police release decisions obtained from Crown briefs show that 44 percent were held for a bail hearing; 47 percent were released on a police undertaking; and the remainder were released on an appearance notice, Promise to Appear, etc. Non-communication with the victim is a condition in 80 percent of cases (both police undertakings and judicial interim release orders).

The Family Consultants Unit of the London Police Service is available in crisis situations to provide intervention to victims and their families.

No major organizational changes were required to accommodate the Project, although some minor changes have occurred. According to a police respondent, uniformed officers in London obtain more witness statements, investigate the criminal background of the accused more thoroughly, and retrieve more 911 audiotapes upon Crown request.

The London Police Service has not increased its use of videotaped statements in domestic violence cases for three reasons. First, it is a resource issue, as no additional funding was provided for this purpose. Second, there is also concern that once the policy was in place, the use of videotaped statements would be expanded to include many other victims. Third, there is debate among the violence against women organizations in the London areas with regard to videotaping victim statements. Some representatives have suggested that videotaping is a form of re-victimization of women if the videotape is used in court.

The investigating officer may take photographs of the scene of the incident if there is significant property damage; Polaroid cameras are available for this purpose. Police policy states that victims should be asked to have photographs of their injuries taken. When the victim is agreeable, these photos are generally taken within 24 to 48 hours of the incident. If medical attention is required, the Domestic Violence Team at St. Joseph's Hospital will take photographs of the victim's injuries. Members of the Team are available

to go to other locations at the victim's request. The Team member can be used as a witness in court, and can often request the victim's consent to release medical records.

The sample of Crown briefs in London shows the following indicators of enhanced police investigations:

- In 14 percent of cases, the Crown requested a copy of the 911 audiotape.
- A videotaped statement of the victim was taken in 2 percent of cases, all videotapes were done by the Ontario Provincial Police.
- In 30 percent of cases where there were visible injuries, photographs were taken of those injuries.
- Of the cases where the victim received medical attention, victim consent for release for medical records was requested in 65 percent.
- In 27 percent of cases, there is an indication in the Crown brief that the police sought information on prior domestic-related occurrences involving the accused.

The Process

In the Ottawa and Hamilton-Wentworth Projects, specialized Crowns tend to be primarily responsible for prosecuting cases of domestic violence. In London, the domestic violence Crown offers services to victims but does not prosecute most cases because of time constraints and – perhaps more importantly – without a domestic violence court, it is not possible for a specialized Crown to be present at all pleas and trials. The specialized Crown screens and reviews all domestic violence cases and is available two days a week for appointments with victims. These meetings involve requests for general information, dropping charges and/or bail variations. It is rare for the Crown to agree to vary the non-association condition without some significant changes in circumstances to justify the variation.

For the most part, VWAP staff are responsible for conducting court preparation sessions with victims and other witnesses, but the Crown responsible may explain the process to the victim. On the day of trial, the prosecuting Crown is expected to meet with the victim.

The Victim/Witness Assistance Program has a Coordinator, three Assistant Coordinators, and one support staff. Two of the three Assistant Coordinators deal exclusively with domestic violence cases. VWAP staff become aware of domestic violence cases through the charge sheets sent daily by the London Police. The OPP and Strathroy Police have also been asked to send their charge sheets to VWAP but did not do so consistently until recently.

Upon receiving the police charge sheets, VWAP staff send a letter to all victims providing them with information about the services offered by VWAP.³² Generally, VWAP staff respond to requests for their services and are not proactive with cases that do

³² VWAP staff now telephone the victim within seven days of receiving the charge sheet. If unsuccessful after ten days, the victim is sent a letter.

not go to trial. In cases where there is a trial date set, VWAP staff make an effort to call victims two weeks before the trial date. If the victim expresses interest, an individual trial preparation session with VWAP is organized.

If the victim requests information about conditions of the accused's judicial interim release or a probation order, VWAP staff inform the victim over the telephone and/or mails a copy of the order.³³

As of July 1, 1999, several processes were changed in the London VWAP office to respond more proactively to the needs of victims. Staff have been reassigned from court accompaniment, which had accounted for the very large majority of staff time, to contacting victims and providing information and court preparation.

Domestic Court Advisory Committee

Before the implementation of the Domestic Violence Courts Project, violence against women services in the London area were monitored by the London Coordinating Committee to End Woman Abuse (LCCEWA). At the request of the Ministry of the Attorney General, the Domestic Court Advisory Committee was organized to deal with issues pertaining to the successful organization of the Project. The Committee meets about monthly and includes representatives from: the Crown's Office, London Police, OPP, Strathroy Police, VWAP, Changing Ways (the abusive men's program), Battered Women's Advocacy Centre, Children's Aid Society, Probation and Parole Services, the Ministry of Community and Social Services, St. Joseph's Health Centre, Family Court Clinic, Across Languages, and Women's Community House.

As may be expected given the traditional tension between community agencies and the criminal justice system, friction among the members of the Advisory Committee has arisen. Initially there was discontent within LCCEWA that community involvement in the Domestic Violence Courts Project was not mandated. Although there is participation now, some community representatives fear that the concerns of the grass roots movement are "overshadowed by a different agenda". This has led to distrust and the development of factions within the Advisory Committee. According to a member, the adversarial attitudes that have developed fragment relationships among organizations: "It is as though there is a parallel process established – the community and the criminal justice system." Community concerns tend to revolve around the perception that criminal justice personnel do not provide adequate services to victims. Part of the problem may be related to misunderstandings about the focus of the DVC Project. For example, some agency staff thought that the Victim/Witness Assistance Program would be responsible for contacting victims shortly after the incident, but this is not the case.³⁴ Another concern was that the start-up of the Domestic Violence Courts Project did not bring additional funds for the violence against women agencies in the London area.

³³ VWAP staff now send all victims copies of orders.

³⁴ As noted earlier, crisis intervention is the responsibility of the Family Consultants Unit.

An issue of concern to the violence against women agencies has been the use of videotaped statements. At first the representatives of community agencies were opposed to the uses to which videotaped victim statements could be put – that is, to prevent victims from minimizing the incident when on the witness stand. More recently, the community members on the Committee have agreed to "revisit" the question – in particular, they would like to see criminal justice officials develop a protocol for the use of these statements.

Because of the divisions among its members, the Committee did not function effectively in the first 18 months of the Project. It is possible that part of the problem is related to uncertainties with regard to the role of the Advisory Committee and the absence of a clear protocol that defined its role in relation to the Project.

Project Issues in London

Issues in London include the following.

- a. Not as much pre-Project planning and consultation could be undertaken as perhaps was desirable, because of the rushed nature of the development of the court. To some members of the Advisory Committee, the Project was imposed on the community without a full consultation process. Perhaps as a consequence, community agency support for the Domestic Violence Court has been less than whole-hearted.
- b. There is community agency concern that not all victims of domestic violence receive adequate service, particularly if they do not respond to the letter mailed by VWAP.
- c. For a number of months in 1999, the Victim/Witness Assistance Program functioned at less than optimal efficiency and effectiveness. Problems of staffing and lowered morale appear to be causal factors. These issues were identified and are now in the course of being resolved.
- d. No court has been designated to hear cases of domestic violence.
- e. In the first 18 months of the Project, specialized domestic violence Crowns were unable to prosecute most domestic violence cases.
- f. No additional resources were provided to policing services for the Project. For this and other reasons, the London Police Service has not been amenable to increasing its use of videotaped statements.

3. Hamilton Domestic Violence Court

In Hamilton-Wentworth, the first cases were scheduled for trial in June 1998. The DVC Project became operational in September 1998. VWAP in Hamilton hired two full-time staff members for the Project. Two Crowns were made available to the Crown's Office to act as specialized prosecutors for domestic violence matters. Their responsibilities have been shared among four Assistant Crowns until recently; at present, two full-time prosecutors are responsible for domestic violence cases.

The scheduling practices in Hamilton-Wentworth Provincial Court were revamped to accommodate the inclusion of the Domestic Violence Court. There is no designated courtroom but instead, each day one court is assigned to domestic cases. First appearances, remands, and bail matters continue to be dealt with in a "regular" court. Rotating the domestic violence court required changes to scheduling procedures. Rather than having the court clerk select a court date, all domestic cases are sent to the Trial Coordinator for scheduling. The Trial Coordinator selects a trial date from the future Domestic Violence Court schedule to ensure that cases are brought before the appropriate court. Judicial assignments to the domestic violence court for the day continue to rotate according to regular scheduling practices; judges are not dedicated or assigned to the Domestic Violence Court on a permanent basis.

One problem with this scheduling model arises when the accused is held in custody and the calendar for the dedicated domestic court is full. Trial dates for persons being held in custody have proved to be difficult to schedule in the dedicated court, with the consequence that the specialized Crown attorneys are frequently unable to prosecute the matter.

Police Practices

A number of organizational changes have been made in Hamilton-Wentworth as a result of the Project or at least in line with the goals of the Project. In March 1998, the Police Service created the position of Domestic Violence Initiative Coordinator in the Family Crisis Unit (previously two investigators within the Unit shared this responsibility). It was the responsibility of the Coordinator to organize training in domestic violence for uniformed officers. In May and June of 1998, 56 uniformed officers were given a five day (40 hour) training course. Thirty-nine officers voluntarily applied for the training, and 17 others were given the assignment by their Superintendents. The number of specialized patrol officers trained was determined by the frequency of calls for service and staffing requirements within the three Divisions and the rural subdivision of Dundas. The content of the training included information on the Project, procedural issues (such as firearm seizures and search warrants), and investigation techniques (such as interviewing victims, KGB warnings, and obtaining 911 tapes) for cases of domestic violence. The training was conducted by the Domestic Violence Coordinator, VWAP, shelter workers, a specialized domestic violence Crown, and the Children's Aid Society. A second five day (40 hour) training course on "issues and awareness" regarding domestic violence was given in April 1999 to the DVIs.

After completing the 1998 training course, the 56 officers were given the title of Domestic Violence Investigator (DVI). According to an officer interviewed, the combination of losing DVIs through staff changeover and promotions and the large number of domestic calls, has meant that DVIs are not able to attend all domestic incidents as was originally planned. It is anticipated that this will become less of an issue as more officers are given the training course and cross-training between partners occurs.

Victim statements are most often taken by the officer and signed by the victim. Videotaped statements are used in cases when the investigating officer is concerned about the ability and commitment of the victim to continue with the prosecution. The Police Service has applied for a grant to purchase hand-held video cameras to be used in domestic violence investigations.

Police policy states that it is mandatory that the investigating officer leaves his/her business card with victims as well as a pamphlet on domestic violence and the services available in the community, whether or not charges are laid. A report must be prepared on all occurrences of domestic violence and copies of all reports are sent to the Family Crisis Unit.

To encourage officers to conduct a thorough investigation and comply with the domestic violence policy, the general police occurrence reports will be replaced with Domestic Violence Incident Reports. This form, with a series of boxes for the officer to check off, facilitates the standardization of investigations. The form includes information such as whether victim services and CAS have been called; the mental and physical state of both the victim and the accused; and, whether a 911 audiotape, photos, a videotaped statement, and consent to release medical records were requested.

The Police Services Branch (victim services) is responsible for providing crisis intervention services and emotional support to victims of domestic violence (among others). The investigating officer may call victim services to the scene of an incident. According to one respondent, victim services has been under-utilized.

The investigating officers are responsible for informing the victim of the conditions of release before the accused is released at the station. Court officers are responsible for informing the victim if the accused is released on bail, although VWAP may also do this. The Court Branch distinguishes spousal violence briefs with a red dot to ensure that they are identified as domestic violence cases by the specialized Crowns responsible for charge screening.

The Process

A domestic violence Crown screens all cases, usually after the first appearance. A specialized Crown is available for meetings with victims and defence counsel for about 12 hours per week to provide case information, trial preparation, and to discuss bail variations.

According to several persons interviewed, peace bonds were frequently used in the past. Since the implementation of the Project, Crowns are more likely to ask for a conditional discharge and a period of probation for relatively minor cases involving offenders with no prior findings of guilt for domestic assault. A version of the early intervention model operates in Hamilton. The eligibility criteria are consistent with that of other early intervention sites and VWAP makes an effort to ask victims for their input. Unlike the early intervention sites, the accused is not referred to the abusive men's program as a condition of bail, but as a condition of the probation order associated with the conditional discharge.

There are four VWAP staff and one support staff. As a result of the Project, VWAP instituted a procedure to obtain information on all domestic violence cases. Staff pick up copies of all Crown briefs from Court Services Branch daily and attempt to call all victims that day. If the call is not returned within 24 hours, an information letter is mailed.

The new procedure greatly increased the Program's workload and caseload. VWAP records show that in September 1997 (when only an information letter was mailed to victims), 54 new cases were opened. The number doubled in September 1998 to 110 new domestic assault cases. Similarly, in-person and telephone contacts increased from 300 in September 1997 to 628 in September 1998. To VWAP staff, a telephone contact is preferable to a letter because they are better able to develop a rapport with the victim and hence the victim is more likely to call for service at a later date.

During telephone contacts and in-person meetings with victims, VWAP staff provide information on community services, discuss safety issues, court preparation, and case updates as well as arranging meetings with a specialized Assistant Crown attorney. Staff also contact victims for their input on the sentence, including their partner's possible attendance at the abusive men's program. Most victims only want regular updates on the court process, although some request court preparation and/or courtroom tours.

VWAP staff send a copy of the probation order to victims, along with a letter encouraging them to call Probation Services if they have any questions about the order. Also, if the accused is sentenced to serve time in a provincial or federal institution, VWAP sends a letter explaining how to obtain information about the parole system.

Domestic Violence Coordinating Committee

The Domestic Violence Coordinating Committee meets monthly and has representatives from the Hamilton-Wentworth Regional Police, the Crown's Office, VWAP, Probation and Parole Services, Cultural Interpreter Service, Catholic Family Services (Male Anti-Violence and Abuse Program), and the Sexual Assault Treatment Program. Two members of the Women Abuse Working Group, a pre-existing community committee, also sit on the Coordinating Committee. It is the responsibility of this group to ensure that there is an appropriate and consistent response to domestic violence cases

throughout the criminal justice process. According to a member, the Committee is a cohesive group and there is widespread support from community agencies for the Project.

Project Issues in Hamilton

The following issues were identified in interviews with Hamilton respondents. It should be emphasized that the Project in Hamilton-Wentworth began later than did the Domestic Violence Court in other locations. This means that operational policies and practices were still being developed during the period of this evaluation. Certainly, no definitive conclusions on the effectiveness of the DV Court in Hamilton-Wentworth can be drawn in only nine months of full operation (September 1998 to June 1999, when data collection ended).

- a. The police service has been slow to implement enhanced investigation procedures. In particular, few statements are videotaped, there have been no changes over time in the proportion of cases where photographs of victim injuries are taken, and the investigating officers may not obtain statements from other witnesses other than the victim.
- b. A heavy workload and staff shortages the Crown's Office during most of the Project's first 12 months affected the specialized Crowns' ability to be available at scheduled meetings with victims. In addition, the specialized Crowns have frequently been assigned other responsibilities – further reducing their ability to screen cases, meet victims, and prosecute cases.
- c. The abusive men's program contracted to the Project has not received as many referrals from probation as was expected. Probation and Parole Services has a longstanding relationship with another program and referral procedures are well established.³⁵ The number of referrals to the abusive men's program continues to be problematic in Hamilton.

³⁵ Negotiations have begun to resolve this issue.

Summary

This overview of the functioning of the Domestic Violence Courts has shown that, as expected, there were considerable variations in the operations of the program at each court location in the first 12 to 18 months of the Project. Although the programs had the same goals, each site went about implementing them differently. In addition, several unforeseen obstacles were encountered that prevented the complete implementation of the models. Many of the problems identified in this chapter can be characterized as part of the "growing pains" associated with any multi-site, large scale endeavour. Finally, steps are being taken to address the problems that have been identified in this chapter.

1. Early Intervention Sites

In all three sites, the programs have chosen not to have group meetings of accused persons together with the victims as is done in the North York court.³⁶ This decision was made because of the belief that the input of the victim should be sought when the accused is not present. The disadvantage of not using the original group approach is that it may be some time (weeks or even months) before the accused is informed of the Project option.

The condition of non-association with the victim is not removed when the accused agrees to enter the program (i.e., at the plea hearing), as is generally done in North York. In Durham, it was decided that the accused should participate in the abusive men's program for a short period, before he is permitted to return to his partner. In Peel, the situation was originally similar to that in Durham but more recently, the non-association condition is varied at the guilty plea upon the consent of the victim and the Crown.

In the documentation of the original model, the victim was required to *consent* to the participation of the accused in the Project. In Peel, Durham, and North Bay, the victim is consulted and her wishes are considered, but consent is not required. Very often, victims who do not "consent" want the charges withdrawn.

Overall, the early intervention Projects were successfully implemented. Issues that have arisen include: fewer referrals than initially expected in Peel and North Bay; longer delays between the laying of the charge and entry into the abusive men's program in Durham Region; and, the need for clarification of the type and nature of involvement of community agencies in the Project.

³⁶

In the North York Project, all accused and victims are asked to attend a meeting held in a courtroom. The victims are then moved to another office where the Project is described to them. The accused stay in the courtroom where the project is also described to them. Several observers of this process have objected to this approach, especially since some of the accused may have a "non-association" with the victim condition.

2. Coordinated Prosecution Sites

Police investigations of domestic violence cases have been slow to improve, especially in London and Hamilton. Victim statements are not videotaped as often as anticipated. In London, the police service does not videotape victims of domestic assault primarily because of resource limitations. In Hamilton, the police service has not been able to acquire the hand-held video cameras to be used by the specially trained officers. In Ottawa the situation is slightly different – 13 percent of victims in the file sample gave videotaped interviews and in another 7 percent of cases the victim were asked to be videotaped but a videotape was not made (often because the victim refused).

Photographs of victim injuries are not taken extensively in the three coordinated prosecution Projects. This situation may be related to police practices: victims are asked to attend the police station or a hospital-based service to have their photographs taken, rather than having an officer go to the victim's home.³⁷

Audiotapes of victims' calls for 911 assistance are requested by the Crown in well over one-half of Ottawa cases, according to file data; respondents say that now all audiotapes are routinely sent to the Crown. In London and Hamilton, the proportions are very much lower.

With regard to improvements to Crown and court procedures, in all three sites the specialized Assistant Crowns do not always prosecute the cases involving victims with whom they have met. In London, this is related to the absence of a designated courtroom for the hearing of domestic violence matters. In Hamilton, the specialized Crowns (until recently) spend a substantial portion of their time on non-domestic cases. Thus, there is not as much continuity in the Crown assigned to the case as was originally anticipated. This is one of the concerns expressed by victims in interviews (described in Chapter 7).

³⁷

Durham – an early intervention site that does not involve improved police investigations – takes more victim photographs than the other sites. This is almost certainly because a Scenes of Crime Officer attends the victim's home to take a photograph, rather than requesting that the victim attend at the police station or the specialized hospital-based service.

CHAPTER 5: COMPARISONS OF CASE PROCESSING AND OUTCOMES, PRE- AND POST-PROJECT

This chapter presents the findings from the examination of the differences between the way in which domestic violence incidents were dealt with by the criminal justice system before and after the Domestic Violence Courts Project began. The purpose of the analysis is to describe the extent to which the changes that appear to be associated with the start-up of the Courts Project.

"Pre-program" cases are those in which charges were laid in 1996 and 1997 before the inception of the DVC Project. "Post-program" cases are those that

- a. were accepted by the early intervention program after December 1997 and had been concluded by June 30, 1999.
- b. in the coordinated prosecution courts, had their first hearing dates after the start-up of the Project (February 1998 in Ottawa and London; June 1998 in Hamilton) and whose cases were concluded by June 30, 1999.

As Chapter 3 described, there are limitations to this analysis because of missing information, especially for the pre-Project year (1997).

The Offences Dealt with by Project Courts

In this report, we selected the "most serious" offence to represent the case using criteria similar to those developed by the Canadian Centre for Justice Statistics, Statistics Canada in its analyses of court data.³⁸ In this section we look at whether the offence distributions in Peel and Durham differed pre and post-Project; and the extent to which the random samples of offences in Ottawa, London, and Hamilton courts differed over time.

In the Peel court, 93 to 95 percent of cases in the two periods had assault level one as the most serious offence (Table 5.1). In Durham, the proportions were slightly lower; there were a small number of more serious offences, primarily threats and assault with a weapon, referred to the Project. Three of seven assault with a weapon cases were found guilty of assault level one; this information is not shown in table form.

³⁸

In brief, if there is more than one charge, the most serious offence is defined as the charge that reaches the most serious adjudication (with guilty as the most serious). If more than one charge results in a guilty finding, the charge with the most serious sentence is selected.

Table 5.1 The Most Serious Charge in the Case

	Peel		Durham	
	Pre-program	Post-program	Pre-program	Post-program
Other offences (e.g., FTA, driving charges)	1.4 1	0	0	0.9 1
Property offences (mischief, theft)	0	0	2.9 2	0
Assault level 1	93.2 69	94.7 124	88.2 60	85.8 97
Threats, harassment, weapons offences	5.4 4	1.5 2	7.4 5	7.1 8
Assault with a weapon	0	3.8 5	1.5 1	6.2 7
Total percent	100.0	100.0	100.0	100.0
Number of cases	74	131	68	113

	Ottawa		London		Hamilton	
	Pre-program	Post-program	Pre-program	Post-program	Pre-program	Post-program
Other offences (e.g., FTA, driving charges)	0	0	0	1.0 3	0.8 1	0
Property offences (mischief, theft)	4.5 9	8.3 27	3.6 5	5.8 17	7.0 9	7.0 16
Breaches (bail, probation)	1.5 3	0.9 3	0.7 1	2.1 6	2.3 3	2.6 6
Assault level 1	76.5 153	64.5 211	79.1 110	71.2 208	59.7 77	61.1 140
Threats, harassment, weapons offences	6.5 13	12.8 42	5.8 8	12.0 35	20.9 27	20.1 46
Assault with a weapon, serious assaults, sexual assault, break & enter	11.0 22	13.5 44	10.8 15	7.9 23	9.3 12	9.2 21
Total percent	100.0	100.0	100.0	100.0	100.0	100.0
Number of cases	200	327	139	292	129	229

Notes: In this as in subsequent tables, the top number in each cell is the percentage of the column; the bottom number is the actual number. All percentages are column percents.

See the footnote on the preceding page for an explanation of how the most serious offence/charge is defined. Some of the more serious charges may have resulted in a finding of guilt on a lesser/included offence. The charges in this table are listed in approximate order of seriousness (according to the *Criminal Code*).

The pre-/post differences in Ottawa are statistically significant: chi-square = 10.89, df = 4, $p < .03$.

FTA = fail to attend court.

Because coordinated prosecution courts deal with all domestic violence matters, including breaches, the offence distributions show greater diversity than do the early intervention sites. Assault level one made up a lower proportion of the total than in Peel

and Durham Regions. There were no differences pre- and post-program in London and Hamilton, but in Ottawa there were more charges of threatening (bodily harm or death) and harassment and more property offences (mischief) in the post-program sample. In Hamilton, one-fifth of cases had threats or harassment as the most serious offence, considerably higher than in the other coordinated prosecution sites. This seems to result from the police practice of laying both assault and threatening charges in the same incident.

Assault causing bodily harm, sexual assault, and forcible confinement were the most serious charges laid in the coordinated prosecution courts. The most serious assault charge found in the samples, assault causing bodily harm, was laid infrequently. Post-program, the percentages were 5.5 percent, Ottawa; 1.4 percent in London; and, 2.6 percent in Hamilton. These data are not shown in table form.

The number of charges laid did not greatly differ in the two periods (Table 5.2). Note that more charges were laid in Hamilton than in the other courts; the midpoint or median was two charges per case rather than one charge as elsewhere.

Table 5.2 The Number of Charges

	Peel		Durham	
	Pre-program	Post-program	Pre-program	Post-program
Mean number	1.2	1.1	1.3	1.5
Median number	1.0	1.0	1.0	1.0
Number of cases	74	131	68	113

	Ottawa		London		Hamilton	
	Pre-program	Post-program	Pre-program	Post-program	Pre-program	Post-program
Mean number	1.8	2.0	1.4	1.5	2.1	1.9
Median number	1.0	1.0	1.0	1.0	2.0	2.0
Number of cases	139	324	139	291	129	229

Police and Crown Practices: Have Investigations Changed?

This section presents quantitative data on the changes over time in the extent to which the police, at the behest of the Crown or on their own initiative, provided the prosecution with additional evidence on the incident and its aftermath. The evidence designed to improve the strength of the Crown's case includes audiotapes of 911 calls, videotaped statements of victims, more written statements from witnesses, photographs of victim injuries and of the scene of the incident (if damage was involved), medical records of victims who received treatment from health professionals, and information on previous domestic incidents involving the accused.

Although improvements in police investigations are a component only of the coordinated prosecution model, data on police practices from Peel and Durham are presented for purposes of comparison.

Audiotapes of 911 calls can be introduced at trial to provide evidence of the offence; they may capture "spontaneous utterances" made by the victim about the offence, the victim's emotional state, background noises indicating a commotion, or even at times threats made by the accused to the victim. In addition, audiotapes can be used at sentencing hearings, to give the court more insight into the level of violence.

While there was no change in Hamilton, requests for the audiotapes of emergency calls increased in Ottawa and London, with the larger increase found in Ottawa. Although a great deal of pre-program data were missing, information collected from interviews indicate that there in fact was a substantial increase in the number of requests for audiotapes in Ottawa. Police obliged by providing the audiotapes as requested, in the large majority of cases (bottom panel of Table 5.3).

Table 5.3 Crown Requests for Audiotapes of 911 Calls

	Peel		Durham	
	Pre-program	Post-program	Pre-program	Post-program
Did Crown request the audiotape?				
Yes	3.8 2	1.0 1	1.9 1	5.6 5
Not known	96.2 50	99.0 101	98.1 53	94.4 85
Total percent	100.0	100.0	100.0	100.0
Number of cases with 911 calls	52	102	54	90

	Ottawa		London		Hamilton	
	Pre-program	Post-program	Pre-program	Post-program	Pre-program	Post-program
Did Crown request the audiotape?						
No	10.0 18	29.9 82	10.9 13	71.8 163	0	3.2 6
Yes	4.4 8	51.8 142	3.4 4	13.7 31	1.0 1	2.1 4
Not known	85.6 154	18.2 50	85.7 102	14.5 33	99.0 97	94.7 178
Total percent	100.0	100.0	100.0	100.0	100.0	100.0
Number of cases with 911 calls	180	274	119	227	98	188
Did Crown receive the audiotape?						
No	12.5 1	5.6 8	0	6.4 2	0	50.0 2
Yes	75.0 6	77.5 110	100.0 4	83.3 28	100.0 1	50.0 2
Not known	12.5 1	16.9 24	0	3.2 1	0	0
Total percent	100.0	100.0	100.0	99.9	100.0	100.0
Number of cases where request made	8	142	4	31	1	4

Notes: The statistical significance of these data is not calculated because of the large percentage of missing information for the variable, "did the Crown request the audiotape?".

Most victims of domestic violence make a statement to the police, either by writing down what occurred or by signing an account prepared by the investigating officer. A small percentage do refuse, either because of unwillingness or, less often, because of illiteracy or inability to write or read English. The proportion of victims who did not give a statement did not vary between the two periods except in Peel Region, where fewer victims made a statement in the pre-Project period. With this exception, approximately nine out ten victims made a statement.³⁹ (These data are not shown in table form.)

Table 5.4 shows the percentage of cases where a victim was asked to provide a videotaped statement describing the incident. Videotaped statements taken soon after the occurrence are believed to be an effective tool in Crown-defence negotiations and at trial. From the police perspective, on the other hand, videotapes require a substantial resource commitment.

³⁹

However, in the Ottawa pre-program sample, this information is missing for over 40 percent of cases.

Table 5.4 Videotaped Statements

Did victim make a videotaped statement?	Peel		Durham	
	Pre-program	Post-program	Pre-program	Post-program
No	96.6 56	95.8 115	98.3 58	99.0 104
Yes	3.4 2	4.2 5	1.7 1	1.0 1
Total percent	100.0	100.0	100.0	100.0
Number of cases with victim statements	58	120	59	105

Did victim make a videotaped statement?	Ottawa		London		Hamilton	
	Pre-program	Post-program	Pre-program	Post-program	Pre-program	Post-program
No	51.4 94	86.9 251	100.0 127	98.2 274	99.2 122	94.4 204
Yes	0.5 1	13.1 38	0	1.8 5	0.8 1	5.6 12
Not known	48.1 88	0	0	0	0	0
Total percent	100.0	100.0	100.0	100.0	100.0	100.0
Number of cases with victim statements	183	289	127	279	123	216

Note: The Ottawa pre-program totals include instances where it is not known if a victim made a statement.

Videotaped statements were not often taken, except in Ottawa after the Project started: 13 percent of Ottawa cases in 1998-99 involved a videotaped statement. While reliable pre-program data were not available, other evidence suggests that this was an increase. In Hamilton, the use of videotapes rose marginally, from 1 to 6 percent over this period. In London, all five videotaped statements in the sample were done by the Ontario Provincial Police.

File data did not generally contain information on whether victims were asked by police to provide a videotaped statement. However, in Ottawa after the DVC Project began, 7 percent of victims who were asked to have their statements recorded on videotape refused. This finding may indicate that police need more guidance on how to request a videotaped statement from victims.

Domestic violence cases are difficult to prosecute in part because the offence usually takes place in private (such as the home of the victim and/or the accused). As a result, there are often no witnesses to the offence other than the victim and possibly children who live in the home. As well, because of the intimate nature of the relationship between the offender and the victim, the victims often feel ambivalent about the benefits of prosecution.

In two-thirds of the Peel and Durham cases, only the victim was present at the time of the incident. In about one-half of incidents in the other sites, the victim was alone. (Data not shown in table form.)

Cases in which multiple witnesses were interviewed and statements taken were relatively infrequent; 13 percent or fewer cases involved three or more statements (Table 5.5) There was a slight difference post-program in London; more cases involved three or more statements compared to the year preceding the DVC Project in that court.

Table 5.5 Number of Witness Statements Taken by Police

	Peel		Durham	
	Pre-program	Post-program	Pre-program	Post-program
None	18.1 13	4.6 6	9.1 6	4.5 5
1	62.5 45	71.8 94	65.2 43	74.8 63
2	15.3 11	19.1 25	21.2 14	13.5 15
3 or more statements	4.2 3	4.6 6	4.5 3	7.2 8
Total percent	100.1	100.1	100.0	100.0
Number of cases	72	131	66	111

	Ottawa		London		Hamilton	
	Pre-program	Post-program	Pre-program	Post-program	Pre-program	Post-program
None	5.0 10	7.3 24	1.4 2	2.1 6	1.6 2	2.6 6
1	25.0 50	61.8 202	58.3 81	62.7 183	67.2 86	56.8 130
2	7.5 15	21.7 71	12.9 18	21.6 63	24.0 31	28.4 65
3 or more statements	7.0 14	8.9 29	4.3 6	13.4 39	6.2 8	10.0 23
Not known	55.5 111	0.3 1	23.0 32	0.3 1	1.6 2	2.2 5
Total percent	100.0	100.0	99.9	100.0	100.1	100.0
Number of cases	200	327	139	292	128	229

Note: If the missing data are excluded in London, the chi-square = 7.05, df=3, p<.07.

Although the presence of eye witnesses is relatively rare, taking statements from persons who can confirm the incident is a non-technological way of increasing the likelihood of a conviction by increasing the strength of the Crown's case. We compared the number of statements taken to the number of eye witnesses (Table 5.6). In Peel,

Durham, and Hamilton, police took a statement from all witnesses in about three-quarters of occurrences, and there was no difference in the two periods. In two of the coordinated prosecution sites – Ottawa and London – missing data hindered any conclusions about changes over time. However, in one-fifth of Hamilton, one-quarter of London, and one-third of Ottawa post-program cases, some witness statements were *not* taken.⁴⁰ Of course it would be unrealistic to expect that all witness statements could always be taken. On the other hand, these data suggest that some improvements are possible in this area.

Table 5.6 Number of Witness Statements Taken in Comparison to the Number of Witnesses

	Peel		Durham	
	Pre-program	Post-program	Pre-program	Post-program
All witness statements taken	68.9 51	79.4 104	75.0 51	75.2 85
1 or more witness statement <i>not</i> taken	28.4 21	20.6 27	22.1 15	23.0 26
Not known	2.7 2	0	2.9 2	1.8 2
Total percent	100.0	100.0	100.0	100.0
Number of cases	74	131	68	113

	Ottawa		London		Hamilton	
	Pre-program	Post-program	Pre-program	Post-program	Pre-program	Post-program
All witness statements taken	27.3 54	65.7 213	66.2 92	77.7 218	77.2 98	79.7 177
1 or more witness statement <i>not</i> taken	16.7 33	34.0 110	10.8 15	24.0 69	21.3 27	20.3 45
Not known	56.1 111	0.3 1	23.0 32	0.3 1	1.6 2	0
Total percent	100.1	100.0	100.0	100.0	100.1	100.0
Number of cases	198	324	139	288	127	222

Note: The information in this table is calculated by subtracting the number of statements found in Crown briefs/VWAP files from the number of witnesses according to the occurrence report.

Photographs of victim injuries were most often taken in Durham Region where Scenes of Crime Officers (SOCOs) are available in many instances to attend the victim's home to take photographs (Table 5.7). In this location, almost 50 percent of victims with visible injuries were photographed, both pre- and post-program. This proportion was much higher than in any other Project site, probably because in other sites the victim must go to the police station or hospital in order to be photographed. In Peel where SOCOs are not used for this purpose, only 3 percent of victims had their injuries photographed.

⁴⁰

There was usually no explanation of why witness statements were not taken in the police reports.

After the Ottawa Project began, there was an increase in the proportion of cases in which victim injuries were photographed, from 16 to 26 percent (Table 5.7). This change was not statistically significant (i.e., it could be a random change), but the increase may well be associated with the DVC Project. In London, the increase was about threefold, from 10 to 30 percent, and the change was significant. In Hamilton, the proportions of victim photographs were identical in the pre- and post-program samples (27 percent).

Table 5.7 Photographs of Victim Injuries: Victims with Visible Injuries

Were photos of victim injuries taken?	Peel		Durham	
	Pre-program	Post-program	Pre-program	Post-program
No	96.8 30	96.9 61	52.9 9	53.7 29
Yes	3.2 1	3.2 2	47.1 8	46.3 25
Total percent	100.0	100.0	100.0	100.0
Number	31	63	17	54

Were photos of victim injuries taken?	Ottawa		London		Hamilton	
	Pre-program	Post-program	Pre-program	Post-program	Pre-program	Post-program
No	84.3 59	74.4 99	89.6 60	70.1 96	73.3 22	73.2 52
Yes	15.7 11	25.6 34	10.4 7	29.9 41	26.7 8	26.8 19
Total percent	100.0	100.0	100.0	100.0	100.0	100.0
Number	70	133	67	137	30	71

Notes: The unknown category is not reported because it makes up less than 10 percent of the totals. Although certainly suggestive, the Ottawa findings are not statistically significant; chi-square = 2.58, df=1, n.s. The London findings are significant; chi-square = 9.49, df=1, p<.002.

On rare occasions, the Crown briefs indicated that offenders damaged property either to intimidate the victim or in the course of the assault (3 to 12 percent of cases, depending on the site). Photographs of property damage were taken in fewer than 4 percent of cases with property damage – this infrequency made it impossible to determine if there were changes over time. (Data not shown in table form.)

Victims received medical treatment from doctors or emergency departments in a relatively small percentage of incidents, varying from 2.5 to 14.5 percent of assaults.⁴¹ If police are aware that the victim has received or is planning to obtain medical attention,

⁴¹ Not all cases in the samples, especially in the coordinated prosecution sites, involve an assault – making the question of medical treatment "not applicable". The percentages cited here are based only on cases of assault charges, thereby excluding threats, breaches, mischief, etc.

they may ask her to sign a consent to release the medical records to the Crown. Again, analysis of changes pre- and post-program were hampered by missing data (Table 5.8). It is evident, however, that in the post-program samples in Ottawa and London, a substantial majority of these victims were asked to release their medical records. The victim signed the consent form in virtually all cases (100 percent in Ottawa and 96 percent in London). (Data not shown in table form.)

Table 5.8 Was the Victim Asked for Consent to the Release of Medical Records? Victims Who Received Medical Treatment

	Peel		Durham	
	Pre-program	Post-program	Pre-program	Post-program
Yes	100.0 1	25.0 1	66.7 4	80.0 8
Not known	0	75.0 3	33.3 2	20.0 2
Total percent	100.0	100.0	100.0	100.0
Number of cases	1	4	6	10

	Ottawa		London		Hamilton	
	Pre-program	Post-program	Pre-program	Post-program	Pre-program	Post-program
Yes	15.6 7	75.6 31	16.7 2	64.9 24	66.7 6	50.0 9
Not known	84.4 38	24.4 10	83.3 10	35.1 13	33.3 3	50.0 9
Total percent	100.0	100.0	100.0	100.0	100.0	100.0
Number of cases	45	41	12	37	9	18

The availability of police records of past domestic occurrences involving the accused improves the strength of the Crown's case and enables the court to impose the proper sentence upon conviction. The Crown briefs were searched for evidence that the Crown had requested, or police had provided, records of past occurrences involving the accused (including occurrences where the accused had not been charged); the results are shown in Table 5.9.

Table 5.9 Crown Requests for Past Domestic Incidents Involving the Accused

Did Crown ask for or receive police records of past domestics?	Peel		Durham	
	Pre-program	Post-program	Pre-program	Post-program
No, not known	97.3 72	95.4 125	98.5 67	89.4 101
Yes	2.7 2	5.6 6	1.5 1	10.7 12
Total percent	100.0	100.0	100.0	100.0
Number	74	131	68	113

Did Crown ask for or receive police records of past domestics?	Ottawa		London		Hamilton	
	Pre-program	Post-program	Pre-program	Post-program	Pre-program	Post-program
No, not known	86.1 167	70.3 230	94.2 131	72.6 212	77.4 96	76.4 175
Yes	13.9 27	29.7 97	5.7 8	27.4 80	22.6 28	23.6 54
Total percent	100.0	100.0	100.0	100.0	100.0	100.0
Number	194	327	139	292	124	229

Notes: The within-site differences, pre- and post-program, are significant in Durham, Ottawa, and London. The chi-square tests of statistical significance show: Durham, chi-square = 5.33, df=1, p<.03; Ottawa, chi-square = 16.65, df=1, p<.001; London, chi-square = 27.15, df=1, p<.001.

In both early intervention sites, there were increases in requests for information on prior incidents; the increase was statistically significant in Durham Region. In both Ottawa and London, there were also significant increases in the proportions of cases in which records were requested or received, whereas in Hamilton there was no change. The latter finding may result from missing data (police strip Crown briefs on their return to the department from the Crown's Office), rather than a "real" lack of change.

In summary, although this analysis was hampered by missing information, we conclude that greater investigative efforts were being undertaken by police either on their own initiative or at the request of the Crown. The differences post-Project were as follows:

- *Ottawa*: more requests for 911 audiotapes; probably more videotaped statements; slightly more photographs of victim injuries; perhaps more requests for medical records; and more information on the past domestic occurrences of the accused.
- *London*: more victim photographs; perhaps more 911 tapes and medical records; and more information on previous occurrences.
- *Hamilton*: slightly more videotaped statements (from 1 to 6 percent of cases) were taken after the DVC Project began.

Pre-trial Detention

One way in which the criminal justice system can attempt to protect victims of domestic violence is to place non-association conditions on those apprehended for and charged with an offence. Conditions can be imposed in two ways: by the police who can release the accused on a police undertaking or by the justice of the peace at the judicial interim release hearing.

Police detention decisions varied by court location, with police in Hamilton holding many more accused for a bail hearing – over 80 percent compared to about one-half of cases elsewhere (Table 5.10).

Amendments to the *Criminal Code* in June 1997 enabled police undertakings to cover a wider range of conditions. It is probable that the increase, in some Project locations, in the percentage of accused released on a police undertaking with conditions is related to this legislative change.

In Peel and Durham Regions, accused were less likely to be held for a bail hearing and more likely to be released on a police undertaking in 1998-99 than in 1997. In Ottawa, the changes between the two time periods were minimal. Similarly, in Hamilton, the change was small, although slightly fewer were detained for a bail hearing and correspondingly more were released on a police undertaking with conditions. In London, however, there was a large decrease in the proportion of accused who were released by police with no conditions, with 39 percent pre-program to 10 percent post-program, and a correspondingly large increase in the proportion of accused released on a police undertaking with conditions (from 18 to 47 percent). This practice began in November 1997, about four months *before* the Project began in London; for this reason, these changes were probably not related to the implementation of the DVC Project.

Table 5.10 Police Detention of Accused Persons

Police decision to release	Peel		Durham	
	Pre-program	Post-program	Pre-program	Post-program
Released, no conditions	2.7 2	7.7 10	2.9 2	0.9 1
Released on undertaking with conditions	32.4 24	42.7 56	39.7 27	52.3 58
Held for a judicial interim release hearing	64.9 48	49.6 65	57.4 39	46.8 52
Total percent	100.0	100.0	100.0	100.0
Number of cases	74	131	68	111

	Ottawa		London		Hamilton	
Police decision to release	Pre-program	Post-program	Pre-program	Post-program	Pre-program	Post-program
Released, no conditions	3.5 7	1.8 6	38.7 53	9.6 28	3.1 4	3.9 9
Released on undertaking with conditions	55.1 109	63.1 205	18.2 25	46.6 136	3.9 5	11.8 27
Held for a judicial interim release hearing	41.4 82	35.1 114	43.1 59	43.8 128	93.0 119	84.3 193
Total percent	100.0	100.0	100.0	100.0	100.0	100.0
Number of cases	198	325	137	292	128	229

Notes: The within site difference, pre- and post-program, is significant for London; chi-square = 61.76, df=2, p<.001. The Peel data are close to statistical significance; chi-square = 5.25, df=2, p=.07.

Data not shown in table form revealed that, regardless of time period or site, almost every person released on a police undertaking with conditions was required to stay away from the victim and to stay away from specific locations (e.g., the victim's home, place of work).

None of the Peel or Durham Project participants were detained at their bail hearing (Table 5.11). Most were released on a recognizance with conditions (bail).

In Ottawa and London, there was a sizeable and statistically significant increase over time in the proportion of accused persons who were *not* released at their bail hearing – from 15 to 37 percent in Ottawa, and from 25 to 46 percent in London. The increase in the number of accused who were detained following a bail hearing began before the start-up of the Project in both Ottawa and London. However it is apparent (from data not shown here) that, after the Project began, there was a continued increase in the number of accused detained at their bail hearing. The increase in detention rates may in part be related to factors associated with the Project start-up including: an increase in the understanding of the dynamics of domestic violence, improvements in the evidence provided to the court at the bail hearing, and an increased understanding of the risk factors associated with domestic violence.

Table 5.11 Judicial Interim Release Decisions

Bail hearing outcome	Peel		Durham	
	Pre-program	Post-program	Pre-program	Post-program
Released, unknown how	2.1 1	0	5.1 2	9.6 5
Released on recognizance	95.8 46	98.5 64	92.3 36	90.4 47
Released on undertaking to appear	2.1 1	1.5 1	0	0
Not released by court	0	0	2.6 1	0
Total percent	100.0	100.0	100.0	100.0
Number of cases	48	65	39	52

Bail hearing outcome	Ottawa		London		Hamilton	
	Pre-program	Post-program	Pre-program	Post-program	Pre-program	Post-program
Released, unknown how	17.3 14	0.9 1	7.0 4	0	5.0 6	1.5 3
Released on recognizance	38.3 31	44.6 50	64.9 37	51.6 66	75.6 90	75.5 145
Released on undertaking to appear	29.6 24	17.9 20	3.5 2	2.3 3	2.5 3	1.0 2
Not released by court	14.8 12	36.6 41	24.6 14	46.1 59	16.8 20	21.9 42
Total percent	100.0	100.0	100.0	100.0	100.0	99.9
Number of cases	81	112	57	128	119	192

Notes: The within site differences, pre- compared to post-program, are significant for Ottawa and London. Ottawa, chi-square = 27.70, df=3, $p < .001$; London, chi-square = 15.08, df=3, $p < .002$.

To a certain extent, the conditions imposed on persons released on bail are court-specific. For example, "go with a third party to pick up belongings from accommodation shared with the victim" was almost routine in Peel Region but not elsewhere; Ottawa and Durham cases were less likely to be prohibited from having a firearm in their possession than were cases in other communities. Other conditions were tailored to the specific situation. Non-association with other witnesses was presumably usually applied when there were other witnesses, and alcohol prohibitions may be more likely to be imposed if there was an indication that the accused was drinking at the time of the incident. In Peel Region, where many accused were born outside of Canada, a frequent "other" condition was to require the accused to deposit his passport.

The data in Table 5.12 show that non-association with the victim was almost always a condition of judicial interim release, as was a restriction on keeping a specific distance from the victim's home. Conditions did not greatly vary in the pre- and post-program samples.

Table 5.12 Conditions of Judicial Interim Release, in Percentages

Conditions of bail release:	Peel		Durham	
	Pre-program	Post-program	Pre-program	Post-program
% of cases where this condition was imposed				
Recognizance with or without surety	97.9	98.4	100.0	97.6
Non-association with the victim	93.3	100.0	97.1	100.0
Non-association with other witnesses	13.3	6.5	11.4	10.2
Do not go within x metres of victim's home	93.3	100.0	94.1	96.0
Go with police/other 3rd party to pick up belongings	68.9	82.0	20.6	26.5
3rd party access to children	55.6	36.1	25.7	32.7
Abstain from alcohol	20.0	25.8	17.6	27.1
Not to possess firearm or firearm certificate	95.6	90.2	69.2	75.0
Other conditions	37.8	33.9	0	2.0
Number of cases	45	62	35	49

Conditions of bail release:	Ottawa		London		Hamilton	
	Pre-program	Post-program	Pre-program	Post-program	Pre-program	Post-program
% of cases where this condition was imposed						
Recognizance with or without surety	47.1	65.7	94.7	97.1	96.8	99.3
Non-association with the victim	96.0	95.7	100.0	95.4	97.6	97.9
Non-association with other witnesses	36.0	37.7	26.3	18.5	37.1	44.4
Do not go within x metres of victim's home	94.0	94.3	96.8	92.3	96.7	97.9
Go with police/other 3rd party to pick up belongings	12.2	10.3	0	0	12.0	8.4
3rd party access to children	10.2	14.5	20.0	6.2	12.0	10.5
Abstain from alcohol	56.3	56.5	40.0	46.2	53.8	50.7
Not to possess firearm or firearm certificate	32.6	50.0	86.7	84.8	91.0	88.2
Curfew	4.1	10.1	0	12.1	4.3	7.0
Other conditions	16.7	21.7	13.3	16.9	14.1	9.9

Number of cases	48	69	15	65	92	142
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Notes: "Other conditions" include deposit passport with police or, more often, treatment-related conditions such as seek treatment for mental health, alcohol abuse, or anger management.

The chi-square test of statistical significance shows the following. In Peel, there is a significant decrease in the use of "3rd party access to children"; chi-square = 3.99, df=1, $p < .05$. In Ottawa there is significant increase over time in the use of sureties, etc.; chi-square = 4.21, df=1, $p < .05$; the increase in firearm prohibitions is not significant at the .05 level ($p < .07$).

Thus far, the analysis has presented information on the condition of non-association with the victim separately for police and judicial interim release processes. Table 5.13 looks at the changes over time in non-association conditions for all cases (excluding those who were detained until case conclusion). There were substantial increases in the number of cases who had a non-association condition in three of the five sites: Durham, Ottawa, and London. The increase may be a by-product of the May-Iles inquest or of the introduction of the DVC Project – or simply heightened awareness of the need to have more conditions of release in domestic violence cases in order to prevent reoffending.

With the exception of London and Hamilton, over 90 percent of accused have this condition imposed by the police or the courts in the post-program period. In London and Hamilton, the percentages were also high, with about 80 percent of accused having a non-association condition after the DVC Project began.

Table 5.13 Percentage of the Released Sample Prohibited from Associating with the Victim

	Peel		Durham	
	Pre-program	Post-program	Pre-program	Post-program
No	10.8 8	9.2 12	23.9 16	4.4 5
Yes, non-association condition imposed by police or court	89.2 66	90.8 119	76.1 51	95.6 108
Total percent	100.0	100.0	100.0	100.0
Number of cases	74	131	67	113

	Ottawa		London		Hamilton	
	Pre-program	Post-program	Pre-program	Post-program	Pre-program	Post-program
No	23.4 44	5.6 16	56.8 71	20.2 47	12.8 14	17.6 33
Yes, non-association condition imposed by police or court	76.6 144	94.4 270	43.2 54	79.8 186	87.2 95	82.4 154
Total percent	100.0	100.0	100.0	100.0	100.0	100.0
Number of cases	188	286	125	233	109	187

Notes: Cases detained at the judicial interim release hearing are not included in this table. The pre- and post differences are statistically significant in Durham, Ottawa, and London. Durham: chi-square=15.45, df=1, p<.001. Ottawa: chi-square = 32.544, df=1, p<.001. London: chi-square=49.40, df=1, p<.001.

Bail variations are built into the early intervention projects. Generally, if requested by the accused and with the agreement of the victim and the consent of the Crown, the non-association condition is removed either after the offender attends a few sessions of the abusive men's program or, more recently in Peel, at the guilty plea hearing. Table 5.14 shows that before the DVC Project in Peel and Durham, non-association conditions were varied in fewer than 20 percent of cases. After the implementation of the Project, the non-association condition was varied in more than 75 percent of the cases. This increase in bail variations is due to the design of the Project. Prior to the Project, it was typical that, once an accused was found guilty of an offence (either following a plea of guilt or a trial), the sentence was imposed and the recognizance was no longer in effect. The Project design altered this typical pattern. Following a plea of guilt, the accused was not sentenced immediately – rather, the matter was adjourned for a period of time to enable the accused to attend the batterers' program. It was following the plea, but before sentence, that the accused continued to be on bail and the non-association condition was removed.

Table 5.14 Bail Variations to Remove the Condition of Non-association with the Victim in the Early Intervention Sites

Non-association condition removed?	Peel		Durham	
	Pre-program	Post-program	Pre-program	Post-program
No, condition not varied	84.6 55	11.5 13	80.9 38	24.7 23
Yes, condition removed	15.4 10	88.5 100	19.1 9	75.3 70
Total percent	100.0	100.0	100.0	100.0
Number of cases	65	113	47	93

Notes: Not knowns are excluded from this table. The pre- and post differences are statistically significant. Peel, chi-square = 93.43, df=1, p<.001. Durham, chi-square = 39.99, df=1, p<.001.

In the other communities, there are no Project guidelines or criteria for the Crown with regard to removal of the non-association condition, and the decision appears to be made on a case-by-case basis, depending on the situation of the victim and the accused (e.g., concerns for victim safety) as well as the practices of the Crown.⁴² In London, accused were least likely to have their bail varied in any manner and were least likely to

⁴²

A small proportion of accused persons pursue bail variations in court when the Crown does not consent to vary the conditions. The numbers in the samples are small but it seems that relatively few are successful (22 percent in Ottawa, 14 percent in London, and none in Hamilton).

have the non-association condition removed (Table 5.15). This conforms to interview data; a London respondent said that consents to bail variations were rare.

A pre-post change was found in Hamilton where 30 percent of accused had conditions varied pre-program compared to only 16 percent post-program. There was a similar drop in the proportion of cases that had the non-association condition removed, from 23 to 10 percent.

Table 5.15 Variations of Bail Conditions in the Coordinated Prosecution Sites

	Ottawa		London		Hamilton	
	Pre-program	Post-program	Pre-program	Post-program	Pre-program	Post-program
Were any bail conditions varied?						
No	76.5 104	81.1 214	90.0 45	90.4 160	70.5 97	84.2 128
Yes	23.5 32	18.9 50	10.0 5	9.6 17	29.5 28	15.8 24
Total percent	100.0	100.0	100.0	100.0	100.0	100.0
Number of cases	136	264	50	177	95	152
Was the non-association with the victim condition removed?						
No, condition not removed	81.5 110	86.6 227	98.0 49	97.2 171	76.8 73	90.1 137
Yes, condition removed	18.5 25	13.4 35	2.0 1	2.8 5	23.2 22	9.9 15
Total percent	100.0	100.0	100.0	100.0	100.0	100.0
Number of cases	135	262	50	176	95	152

This section has compared the pre- and post-Project situations in terms of decisions by the police and the court to detain or release persons accused of domestic violence-related offences. The major changes since the Project began can be briefly summarized. In Peel, Durham, and Ottawa, post-program, slightly more accused were released on a police undertaking with a non-association condition; in London, the increase was much larger. In two of the three coordinated prosecution courts, a higher proportion of accused persons were detained following their bail hearing post-program. Eighty percent or more of accused in all sites were released with a condition not to associate with the victim. In Durham, Ottawa, and London, the incidence of the non-association condition increased after the start-up of the Project. These changes may be a by-product of the publicity surrounding the May-Iles inquest or a reflection of greater awareness of domestic violence issues on the part of the police and the courts.

One component of the early intervention program is to remove the non-association condition with the consent of the victim and the Crown, following the plea of guilt and, in Durham, after a period of attendance at an abusive men's program. Almost nine out ten

cases in Peel had this condition varied; 75 percent in Durham did so. In the coordinated prosecution courts, there was relatively little change in the proportion of accused who had the non-association condition of their bail varied, pre- and post-program.

Victim Contacts with Victim/Witness Staff and Crown Attorneys

As explained in Chapter 3, VWAP files were used to select a sample of accused persons for the pre-program period in Durham, Ottawa, and Hamilton. Sampling bias was therefore introduced, particularly for this analysis because VWAP staff usually only open files if they have had contact with a victim. Therefore, pre-post changes in VWAP/Crown-victim contact may be *under-estimates of the actual changes* because the pre-Project samples were not a random selection of all domestic violence matters dealt with in 1997 before the Project began.

In short, the data in this section must be viewed with great caution.

In the early intervention Projects, most victims have only one or two contacts with staff of the Victim/Witness Program or with the Crown. The meetings are used both to explain the Project to victims and to provide them with information on community resources and on safety plans. There is no expectation that there will be ongoing contact between the victim and VWAP or the Crown – although in some cases there is, especially if the victim seeks information on the status of her partner's case. Victim contacts are, however, to be conducted by the abusive men's programs both to ensure the victim's safety and to provide her with needed information.

In the coordinated prosecution sites, on the other hand, there is an expectation that there will be more contacts by telephone or in person for purposes such as to explain the court process, to inform the victim of the status of the case, to prepare the victim for trial (if there is a trial date set) as well as to deal with requests for bail variations, to provide safety and community resource information, and to ask the victim for his/her opinion on sentencing.

We wanted to quantify the type of contact with victims from VWAP files and Crown briefs and compare the pre- and post-program contacts. VWAP files were on occasion not accessible. In the case of Crown contacts with victims, the Crown briefs that had been returned to the police frequently had been stripped of notes of meetings between the Crown and the victim. Stripped files were a problem in Ottawa pre-program and in Hamilton in both time periods (although VWAP files were relatively complete in both communities and sometimes contain information regarding Crown contacts with victims).

1. Victim Contacts with VWAP Staff and Crowns in the Early Intervention Sites

Few comparisons between the pre-Project and the Project situations can be made given that the Peel Victim/Witness Program was not initiated until mid-way through 1997 and the Durham pre-Project sample was drawn from VWAP files.

The post-Project data show that almost every victim in Peel was contacted by staff of the Victim-Witness Program. Over 90 percent attend the weekly information session with staff of VWAP and the Crown or were contacted to discuss the matter over the

telephone. Interview data suggest that many more victims attended the information session in Peel than in Durham, where more telephone contacts were made.

In Durham, VWAP files show that 17 percent of the 113 cases were accepted into the Project by the Crown before VWAP staff could contact the victim to discuss the Project in detail.⁴³ After-the-fact contacts were made in most of these instances. The file data indicate that either the Crown or VWAP made some contact with victims in over 90 percent of cases. Eight out of ten victims attended an information meeting about the Project or engaged in a telephone discussion about the Project; these in-person or telephone meetings could have been with either the Crown or VWAP staff (but infrequently with both together, as in Peel). Interviews with Crowns, VWAP staff, and victims show that in both Durham and Peel, most victims would have preferred that the charges be withdrawn, rather than have the matter proceed in court.

2. Victim Contacts with VWAP Staff and Crowns in the Coordinated Prosecution Sites

The first panel in Table 5.16 shows the method by which VWAP staff attempted to contact domestic violence victims in the pre- and post-program samples. In Ottawa, there was little change in the method of contact. In London, post-program, about one-quarter of London victims were not contacted by VWAP (no file existed); in the pre-Project year, the proportion was much higher, at 63 percent. Therefore, proportionately more victims were contacted in London after the Project began, but a considerable minority of victims (24 percent) had no contact with the Victim/Witness Program after the DVC Project was implemented. This shortcoming has been recognized and steps are being taken by the Program to try to contact all victims of domestic violence. In Hamilton, the method of contact changed from information mailed to victims to telephone calls from Program staff.

The second panel of Table 5.16 shows the proportion of victims who attended an in-person meeting with VWAP staff or who had discussed the case and other issues over the telephone. Although there were missing values, roughly the same proportions were missing in the two time periods, so some conclusions can be drawn. Victims in Ottawa were more likely to have contact with VWAP staff than they were in the year preceding the Project's implementation. In the other two sites, there was no apparent change in VWAP-victim contacts. In London, recorded victim contacts with the Victim/Witness Program were quite low – only about 15 percent in both periods. As noted above, steps are currently being taken in London to try to contact all victims.

⁴³

Included in the 17 percent are a very small number of cases where the victim refused to discuss the matter with VWAP staff.

Table 5.16 Victim Contact with VWAP and Crown Attorneys in the Coordinated Prosecution Courts

	Ottawa		London		Hamilton	
	Pre-program	Post-program	Pre-program	Post-program	Pre-program	Post-program
The method by which VWAP contacted victims (or attempted to contact victims)						
No contact, no recorded contact	3.2 6	0	63.0 87	23.9 68	0	0
By mail	19.1 36	14.4 36	8.0 11	45.8 130	100.0 129	2.2 5
By telephone	76.6 144	83.6 209	29.0 40	28.2 80	0	97.8 222
Other e.g., "walk-ins"	1.0 2	2.0 5	0	2.1 6	0	0
Total percent	100.0	100.0	100.0	100.0	100.0	100.0
Number of cases	188	250	139	284	129	227
Victim in-person or telephone contacts with VWAP						
No contact, no recorded contact	51.0 102	32.1 105	74.1 103	70.2 205	61.2 79	55.5 127
1+ contact	19.0 38	35.2 115	15.8 22	14.0 41	32.6 42	32.8 75
Victim did not attend meeting	2.0 4	1.2 4	0	0.3 1	0	0
Not known	28.0 56	31.5 103	10.1 14	15.4 45	6.2 8	11.8 27
Total percent	100.0	100.0	100.0	100.0	100.0	100.1
Number of cases	200	327	139	292	129	229
Victim in-person or telephone contacts with a Crown						
No contact, no recorded contact	46.5 93	38.2 125	74.1 103	69.5 203	79.8 103	54.1 124
1+ contact	44.5 89	46.5 152	25.2 35	28.1 82	17.8 23	39.3 90
Victim did not attend meeting	2.0 4	2.4 8	0.7 1	1.4 4	0	0
Not known	7.0 14	12.8 42	0	1.0 3	2.3 3	6.6 15
Total percent	100.0	100.0	100.0	100.0	100.0	100.0
Number of cases	200	327	139	292	129	229
% of cases where victim had meetings with both VWAP and a Crown						
1+ contact with VWAP & Crown	18.4 26	43.9 93	17.6 22	10.6 26	9.2 11	22.0 42
Number of cases where information is known	141	212	125	246	120	191

Victim meeting with VWAP/Crown in cases where a trial date set						
No contact, no recorded contact	88.0 81	62.8 59	13.2 5	59.4 38	92.2 59	85.9 67
1+ contact	9.8 9	26.6 25	39.5 15	34.4 22	6.3 4	12.8 10
Not known	2.2 2	10.6 10	47.4 18	6.3 4	1.6 1	1.3 1
Total percent	100.0	100.0	100.1	100.1	100.1	100.0
Number of cases	92	94	38	64	64	78

Note: These data should be viewed with caution because of the way in which the pre-program samples were generated in Ottawa and Hamilton, missing data, and record-keeping related problems.

Victim contacts with Crown attorneys were especially difficult to capture, because (a) complete Crown briefs were unavailable in many instances, and (b) in many pre-Project cases the Crowns may not have recorded their contacts on the Crown briefs or in VWAP files (especially, for example, if the contact was made on the day of trial or plea when it is routine for a short consultation with the victim to take place). There was a twofold increase in Crown-victim contacts in Hamilton (18 to 39 percent). The other two sites showed no change. According to the available records, Ottawa had the highest proportion of Crown-victim contacts in both periods (around 45 percent). See panel three in Table 5.16.

Another indicator of providing better support for victims is the frequency with which the victim meets with, or speaks to over the telephone, *both* a member of VWAP and an Assistant Crown attorney (panel four). There were changes in this regard in two sites: in Ottawa and Hamilton, the percentages more than doubled between the time periods. There appears to be more victim contact with both VWAP staff and a Crown in Ottawa, compared to the other sites but this apparent difference could be due to variations in record-keeping.

The last section of Table 5.16 is restricted to cases in which there was a trial date set. No conclusions can be drawn about the situation in London because of the large percentage of unknowns in the pre-Project year (47 percent). In over one-quarter of Ottawa cases where a trial date was set, the victim met with the Crown and/or VWAP – this proportion was much higher than before the specialized court began. It should be noted that many victims were asked if they wished to attend a trial preparation session but chose not to attend.

Cases with Trial Dates and Trials in the Early Intervention Sites

Both models of the Domestic Violence Project are designed to encourage the accused to take responsibility for the incident. In the early intervention model, the accused must plead guilty in order to enter the program. Table 5.17 shows that before the Project, 38 percent of cases in Peel and 31 percent in Durham had a trial date set.

It was frequently difficult to determine from file data if the matter actually went to trial with witness testimony, as opposed to the charges being terminated without any evidence offered. As far as could be determined, in Peel, 4 percent of cases went to a full trial before the Project; in Durham, about 16 percent of all cases did so (panel two). These data therefore suggest that the introduction of the Project probably reduced the incidence of cases with trial dates and trials in the two early intervention sites. Accused who might otherwise have set a trial date and in a few cases gone to trial, now plead guilty.

Table 5.17 Cases with Trial Dates and Trials in Early Intervention Sites

	Peel		Durham	
	Pre-program	Post-program	Pre-program	Post-program
Was there a trial date set?				
No	62.2 46	100.0 131	54.4 37	100.0 113
Yes	37.8 28	0	30.9 21	0
Not known	0	0	14.7 10	0
Total percent	100.0	100.0	100.0	100.0
Number of cases	74	131	68	113
The incidence of trials				
Guilty plea	62.2 46		63.8 37	
No trial (charges withdrawn, etc.)	33.8 25		17.2 10	
Trial held	4.1 3		15.5 9	
Not known if a trial held	0		3.4 2	
Total percent	100.1		99.9	
Number of cases	74	not applicable	58	not applicable

Cases with Trial Dates and Trials in the Coordinated Prosecution Sites

In the Domestic Violence Courts Project, the police are expected to conduct more thorough investigations, which in turn provide better evidence to the prosecution in order to strengthen the Crown's case. The defence and the accused will become aware of the additional evidence through the disclosure process.

If the Project affected pleas, we would expect that the percentage of cases that "switched" their plea from not guilty to guilty would increase after start-up. We collected information on whether the accused changed his or her plea for a sub-sample of cases (Table 5.18). In Ottawa, 25 percent of the pre-program group changed their plea from not guilty to guilty; post-program, the percentage was 35 percent. In London and Hamilton, there was no change in the two periods. Therefore, after the Project began, more accused did not change their plea from not guilty to guilty, except in Ottawa.

Table 5.18 Changes in the Nature of the Plea, from Not Guilty to Guilty, Coordinated Prosecution Sites

	Ottawa		London		Hamilton	
	Pre-program	Post-program	Pre-program	Post-program	Pre-program	Post-program
No plea change	74.7 121	65.2 73	79.7 55	81.0 68	73.0 92	78.3 177
Yes, a change in plea from not guilty to guilty	25.3 41	34.8 39	20.3 14	19.0 16	27.0 34	21.7 49
Total percent	100.0	100.0	100.0	100.0	100.0	100.0
Number of cases	162	112	69	84	126	226

Notes: The Ottawa data approach statistical significance; chi-square = 2.90, df=1, $p < .10$. Although these data represent a sub-sample of the total sample, the data were collected randomly and the numbers are sufficiently large to generalize to the total population of all cases dealt with by the Domestic Violence Courts Project.

The percentage of accused that had a trial date set is found in Table 5.19. The Hamilton data are italicized because it is likely that the pre-program sample over-represents cases with trial dates; valid comparisons between the two periods cannot be therefore be made. There was a drop in the proportion of cases with trial dates in Ottawa, from 51 to 43 percent, but the change was statistically non-significant. In London, the percentages were very similar in both periods, 37 and 35 percent.

The data in the bottom panel of Table 5.19 can be viewed as a workload indicator for the courts: what proportion of all domestic violence cases result in a trial? With regard to trials, there was no difference over time in the percentage of cases going to trial in Ottawa and London. In Ottawa, a trial was held in 12 percent of cases in the pre-program

period, and in 14 percent in the post-program period; the same percentages in London were 15 and 21 percent, respectively.

Table 5.19 Cases with Trial Dates and Trials in the Coordinated Prosecution Sites

	Ottawa		London		Hamilton	
	Pre-program	Post-program	Pre-program	Post-program	Pre-program	Post-program
Was there a trial date set?						
No	49.0 96	57.2 187	63.3 88	65.4 191	49.6 63	67.8 154
Yes	51.0 100	42.8 140	36.7 51	34.6 101	50.4 64	32.2 73
Total percent	100.0	100.0	100.0	100.0	100.0	100.0
Number of cases	196	327	139	292	127	227
The incidence of trials						
Guilty plea	49.0 96	57.2 187	63.3 88	65.4 191	49.6 63	67.8 154
No trial (charges withdrawn, etc.)	30.6 60	29.1 95	10.1 14	12.7 37	37.8 48	23.8 54
Trial held	12.2 24	13.8 45	15.1 21	20.9 61	10.2 13	5.7 13
Not known if a trial held	8.2 16	0	11.5 16	1.0 3	2.4 3	2.6 6
Total percent	100.0	100.1	100.0	100.0	100.0	99.9
Number of cases	196	327	139	292	127	227

Notes: The pre- and post-program difference in Ottawa (panel 1) is not statistically significant. The Hamilton data are italicized because the pre-Project sample in that court is almost certainly unrepresentative of cases; cases that were set for trial were over-represented in the sample because we had to use Victim-Witness Program files to identify domestic violence cases.

The next analysis is restricted to cases where there was a trial date set (Table 5.20). No changes pre- and post-program in the proportion of trial cases are evident if we ignore the large proportions of missing information in Ottawa and London.

While London does not greatly differ from the other courts in its percentage of cases setting a trial date (Table 5.19), the likelihood of a trial, post-program, was far greater than in the other coordinated prosecution sites: 60 percent of London, compared to 32 percent of Ottawa and 18 percent of Hamilton cases with a trial date apparently resulted in a trial.

Table 5.20 Cases with Trial Dates that Resulted in a Trial in the Coordinated Prosecution Sites

Was there a trial on the trial date?	Ottawa		London		Hamilton	
	Pre-program	Post-program	Pre-program	Post-program	Pre-program	Post-program
No	60.0 60	67.9 95	27.5 14	36.6 37	75.0 48	74.0 54
Yes	24.0 24	32.1 45	41.2 21	60.4 61	20.3 13	17.8 13
Not known	16.0 16	0	31.4 16	3.0 3	4.7 3	8.2 6
Total percent	100.0	100.0	100.1	100.0	100.0	100.0
Number of cases with a trial date	100	140	51	101	64	73

Note: None of the within-site differences are statistically different when the "not known" category is removed.

The reasons why no trial occurred cannot be meaningfully compared pre- and post-Project because of the large number of "not knows", especially in the 1997 data (Table 5.21). The data do suggest, however, that many victims preferred not to attend court, rather than to attend and give testimony that was at variance to their earlier statement to police. This finding conflicted with the observations of some respondents. An Ottawa respondent, for example, stated that it is much more common for the victim to give evidence that does not support the original statement to police, rather than to avoid the issue by not attending court.

Table 5.21 The Reason Why No Trial Took Place in the Coordinated Prosecution Sites

Reason why no trial occurred	Ottawa		London		Hamilton	
	Pre-program	Post-program	Pre-program	Post-program	Pre-program	Post-program
Victim failed to attend court	8.3 5	37.9 36	0	56.8 21	25.0 12	37.0 20
Victim refused to testify; indicated evidence would change	5.0 3	7.4 7	7.1 1	8.1 3	4.2 2	3.7 2
Other reasons	15.0 9	13.7 13	28.5 4	18.9 7	12.5 6	7.4 4
Unknown reasons (i.e., not stated)	71.7 43	41.1 39	64.3 9	16.2 6	58.3 28	51.9 28
Total percent	100.0	100.1	99.9	100.0	100.0	100.0
Number of cases where no trial occurred but trial date set	60	95	14	37	48	54

The "other reasons" in Table 5.21 encompass a wide variety of situations, including: the victim moved out of the community (some of these may have resulted from the desire to avoid court); the victim was not served with a witness warrant as planned; the case was minor; it appeared to be a mutual fight; an interpreter was not available; the accused died; and, perhaps most often, "no reasonable prospect of conviction".

The type of evidence introduced at trials was difficult to analyze – and equally difficult to generalize from – because of the small number of "applicable" cases, even in the courts with larger numbers of trials. First, not many cases went to a trial with witnesses. Second, many of the examples of enhanced prosecution aids occurred infrequently. Third, some of the enhanced investigative techniques, such as victim photographs and medical records, were not available because the victim did not suffer visible injuries or receive professional medical attention.

The victim testified in most cases (Table 5.22). Some of the exceptions were situations where police observed the incident and therefore could provide evidence of the offence. Videotaped statements were introduced in less than 10 percent of known trials in both Ottawa and London, 9 and 3 percent, respectively. In 2 percent (1 case) of the Ottawa trials, the court did not accept the videotaped statement. There were very few trials where victims had visible injuries that could be photographed or injuries that required medical attention – so that no conclusions can be drawn about the changes over time in the use of these prosecutorial strategies. There was, however, an increase in the introduction of 911 audiotapes at trial in Ottawa (from 0 to 35 percent of trials where a 911 call had been made), and a modest increase in London (from 0 to 8 percent).

Table 5.22 The Nature of the Evidence Introduced at Trial in the Coordinated Prosecution Sites

Type of evidence	Ottawa		London		Hamilton	
	Pre-program	Post-program	Pre-program	Post-program	Pre-program	Post-program
Victim testimony in person						
No	4.2 1	6.7 3	9.5 2	1.6 1	0	0
Yes	66.7 16	80.0 36	52.4 11	83.6 51	46.2 6	53.8 7
Not known	29.2 7	13.3 6	38.1 8	14.8 9	53.8 7	46.2 6
Total percent	100.1	100.0	100.1	100.0	100.0	100.0
Number of known trials	24	45	21	61	13	13

Videotaped testimony of the victim						
Yes	0	6.7 3	0	3.3 2	0	0
Court would not accept videotape	0	2.2 1	0	0	0	0
No, not known	100.0 24	91.1 41	100.0 21	96.7 59	100.0 13	100.0 13
Total percent	100.0	100.0	100.0	100.0	100.0	100.0
Number of known trials	24	45	21	61	13	13
Photographs of victim injuries						
No	11.1 1	28.6 6	60.0 6	61.3 19	33.3 1	0
Yes	33.3 3	47.6 10	20.0 2	25.8 8	66.7 2	100.0 1
Not known	55.6 5	23.8 5	20.0 2	12.9 4	0	0
Total percent	100.0	100.0	100.0	100.0	100.0	100.0
Number of trials where victim injured	9	21	10	31	3	1
Medical records						
No	25.0 1	22.2 2	100.0 1	37.5 6	33.3 1	0
Yes	25.0 1	55.6 5	0	50.0 8	66.7 2	0
Not known	50.0 2	22.2 2	0	12.5 2	0	100.0 1
Total percent	100.0	100.0	100.0	100.0	100.0	100.0
Number of trials where victim received medical attention	4	9	1	16	3	1
911 audiotapes						
No	26.7 4	50.0 20	61.1 11	81.6 40	0	16.7 1
Yes	0	35.0 14	0	8.2 4	0	0
Not known	73.3 11	15.0 6	38.9 7	10.2 5	100.0 8	83.3 5
Total percent	100.0	100.0	100.0	100.0	100.0	100.0
Number of trials where 911 call made	15	40	18	49	8	6

Because of the importance attributed to the evidentiary aids in the coordinated prosecution model, we analyzed whether the presence or absence of these aids affected the trial outcome – that is, whether the accused was found guilty. Because of small numbers, the three sites were combined for the pre- and post-program periods to determine if the presence of these tools was associated with a guilty finding (Table 5.23).

Table 5.23 The Nature of the Evidence Introduced at Trial by Whether the Accused Was Found Guilty (Pre- and Post-program Data)

The type of evidence introduced:	Evidence not introduced	Evidence introduced
Victim testimony in person		
Not found guilty	57.1 4	48.0 61
Found guilty	42.9 3	52.0 66
Total percent	100.0	100.0
Number of trial cases	7	127
Other witness testimony		
Not found guilty	60.0 36	34.3 12
Found guilty	40.0 24	65.7 23
Total percent	100.0	100.0
Number of trial cases	60	35
Videotaped testimony of the victim		
Not found guilty	44.3 31	66.7 4
Found guilty	55.7 39	33.3 2
Total percent	100.0	100.0
Number of trial cases	70	6
Photographs of victim injuries		
Not found guilty	51.6 33	40.7 11
Found guilty	48.4 31	59.3 16
Total percent	100.0	100.0
Number of trial cases	64	27
Medical records		
Not found guilty	48.3 29	41.2 7
Found guilty	51.7 31	58.8 10
Total percent	100.0	100.0
Number of trial cases	60	17
911 audiotape		
Not found guilty	53.9 48	55.6 10
Found guilty	46.1 41	44.4 8
Total percent	100.0	100.0
Number of trial cases	89	18

Note: These data are for the combined pre-/post program samples for the three coordinated prosecution sites. "Not found guilty" is to be interpreted as including: the case was withdrawn, dismissed, stayed, or the accused was found not guilty.
 "Other witness testimony" is statistically significant; chi-square = 6.86, df = 1, $p < .01$.

With the exceptions of videotaped victim statements and audiotapes of 911 calls, there was a slight, non-significant trend for guilty findings to increase when the enhanced evidentiary tools were available. The evidence that was most closely associated with a guilty finding was "other witness testimony"; 66 percent compared to 40 percent of accused were found guilty when another witness (or more than one) who could corroborate the incident testified.

Witness warrants were requested in a small number of trials in Ottawa (about 11 percent) and in 2 percent of London and Hamilton trial cases. These data are not shown in table form.

There were no large differences over time in guilty findings at trial. The largest change was found in Ottawa, where the proportion of guilty findings *went down* from 63 to 40 percent between the two periods (panel 1 of Table 5.24). The proportion of cases that were dismissed increased in both Ottawa and London in this time period. None of these changes were statistically significant at the $p < .05$ level.

There was little variation by site in the proportions that were found guilty at trial – the percentages fall into a narrow range, from 39 percent (Hamilton) to 46 percent (in London) in the post-Project period.

Panel 2 of Table 5.24 shows the case outcomes for all cases that had a trial date set. There are no significant changes pre- and post-program, although there was a notable decrease in the use of peace bonds in Hamilton (from 48 to 33 percent). Dismissals decreased in London, a drop from 47 to 34 percent of the cases with trial dates in the two time periods.

Table 5.24 The Case Outcomes of Trial Cases and of Cases with Trial Dates in the Coordinated Prosecution Sites

	Ottawa		London		Hamilton	
Case outcome	Pre-program	Post-program	Pre-program	Post-program	Pre-program	Post-program
Cases that went to trial						
Guilty	62.5 15	40.0 18	52.4 11	45.9 28	46.2 6	38.5 5
Peace bond (with withdrawal, dismissal)	4.2 1	2.2 1	4.8 1	3.3 2	30.8 4	7.7 1
Withdrawal	0	4.4 2	4.8 1	1.6 1	0	0
Stay	4.2 1	2.2 1	0	3.3 2	0	0
Dismissal	25.0 6	42.2 19	23.8 5	37.7 23	23.1 3	30.8 4
Not guilty	4.2 1	8.9 4	14.3 3	8.2 5	0	23.1 3
Total percent	100.0	99.9	100.1	100.0	100.1	100.1
Number of trial cases	24	45	21	61	13	13
All cases that had a trial date set						
Guilty	15.0 15	13.6 19	23.5 12	28.7 29	10.9 7	6.8 5
Peace bond (with withdrawal, dismissal)	20.0 20	27.1 38	3.9 2	5.0 5	48.4 31	32.9 24
Withdrawal	23.0 23	30.0 42	13.7 7	20.8 21	14.1 9	16.4 12
Stay	18.0 18	12.1 17	5.9 3	6.9 7	14.1 9	23.3 17
Dismissal	23.0 23	14.3 20	47.1 24	33.7 34	12.5 8	16.4 12
Not guilty	1.0 1	2.9 4	5.9 3	5.0 5	0	4.1 3
Total percent	100.0	100.0	100.0	100.1	100.0	99.9
Number of cases with a trial date	100	140	51	101	64	73

Note: In panel 1, if outcome is re-categorized as guilty versus other, the Ottawa- pre and post-program difference approaches statistical significance; chi-square = 3.18; df=1, $p<.07$.

In summary, from the analysis of cases with trial dates and trials in the coordinated prosecution sites we found that there were no statistically significant pre- versus post-program changes in the proportion of accused that switch their plea from not guilty to guilty; in the percentage of accused that had a trial date set; and, in the percentage of trial dates where a trial was actually held. With regard to enhanced investigative/prosecutorial

aids, in one or two courts, there were apparent increases in the use of videotaped statements, in the introduction of medical records, and in the introduction of audiotapes of 911 emergency calls.

The introduction of 911 audiotapes made no difference in whether or not the accused was found guilty at trial; the findings about other enhanced evidence were equivocal because of the small numbers of cases.

The percentage of cases that were found guilty at trial, and the percentage of cases with trial dates that were found guilty, did not change significantly between the pre- and post-Project periods.

Court Resources and Processing Times

The expectation of the Project design is that cases will be dealt with more quickly because of the incentive of a conditional discharge to plead guilty (in the early intervention sites) and because of improved evidence (in the coordinated prosecution sites). Speed of processing is operationalized in two ways: by the number of hearings required to complete the case; and by the processing times. This section analyzes the pre- and post-program changes in the number of court hearings required to settle the case, followed by the number of days required to conclude the matter (i.e., the elapsed time in days from first to final hearing).

1. Number of Hearings

The mean (average) and median (midpoint) number of hearings is shown in Table 5.25; in the bottom part of each panel, we present the findings from the t-test, which is used to determine if the pre- and post-program variations in average values were statistically significant. In only one of the five courts do the changes over time in the average number of hearings approach significance. In Durham there was an increase in hearings, from an average of 5 to 5.7 per case.

Table 5.25 Number of Court Hearings

	Peel		Durham	
	Pre-program	Post-program	Pre-program	Post-program
All cases				
Mean	5.3	5.1	5.0	5.7
Median	5.0	4.0	5.0	5.0
Number of cases	72	131	68	111
t =	0.60		-1.91	
df =	201		177	
p	n.s.		.06	

	Ottawa		London		Hamilton	
	Pre-program	Post-program	Pre-program	Post-program	Pre-program	Post-program
All cases						
Mean	6.5	6.1	6.0	5.4	5.8	5.7
Median	6.0	6.0	5.0	4.0	5.0	5.0
Number of cases	200	324	138	286	129	227
t =	1.62		1.40		0.24	
df =	522		422		354	
p	n.s.		n.s.		n.s.	

Note: "n.s." = not statistically significant.

Table 5.26 shows the changes in the number of hearings for guilty plea cases and cases where there was a trial date set. In Durham, when the pre-program group was confined to guilty plea cases, the average difference in number of hearings became significant, that is: compared to similar cases before the Project started, Durham Project cases took more hearings – an increase from 4.4 to 5.7 hearings per case, on average. The pattern was similar in Peel but not statistically significant. The increase in the number of hearings in the early intervention sites is related to the "extra" hearing involved in this model. All cases are adjourned for several months, during which time the offender attends the abusive men's program.

On the other hand, in Ottawa and London, the changes were in the expected direction; cases which did not involve a trial had slightly, albeit insignificantly, fewer hearings post-program than they did before the Project began. In all three coordinated prosecution sites, the cases with trial dates had similar number of hearings pre- and post-program – 5.9 to 6.4 on average.

Table 5.26 Number of Court Hearings by Whether a Trial Date Was Set

	Peel		Durham	
	Pre-program	Post-program	Pre-program	Post-program
Guilty plea cases (no trial date)				
Mean	4.3	5.1	4.4	5.7
Median	4.0	4.0	4.0	5.0
Number of cases	44	131	37	111
t =	-1.63		-2.73	
df =	173		146	
p	n.s.		.007	
Cases where a trial date was set				
Mean	6.9		6.1	
Median	7.0		5.0	
Number of cases	28	0	21	0

	Ottawa		London		Hamilton	
	Pre-program	Post-program	Pre-program	Post-program	Pre-program	Post-program
Guilty plea cases (no trial date)						
Mean	6.7	6.0	6.0	5.0	5.2	5.4
Median	6.0	6.0	5.0	4.0	5.0	5.0
Number of cases	96	187	88	188	63	153
t =	1.84		1.90		-0.45	
df =	281		274		214	
p	.07		.06		n.s.	
Cases where a trial date was set						
Mean	6.2	6.1	5.9	6.2	6.4	6.4
Median	6.0	6.0	4.5	6.0	5.0	6.0
Number of cases	100	137	50	98	64	72
t =	0.38		-0.53		-0.02	
df =	235		146		134	

p	n.s.	n.s.	n.s.
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Notes: "n.s." = not statistically significant.

2. Processing Times

The days between three key points in the process are shown in Table 5.27 for the early intervention sites. The days from the offence to the date it was reported to police were minimal; the first hearing took place, on average, within one week of the report in Peel, and within about two weeks in Durham. The third panel shows that there was a large reduction in the number of days from the first hearing to the date of adjudication, at which point the offender is referred to the abusive men's program. The decrease in the average time was from 5 months to less than 1.5 months in Peel; in Durham, it took on average 4.2 months prior to the Project to process these cases, while post-program the average was slightly less than 2 months.

When the analysis was restricted to guilty plea cases in the pre-program period, the differences were significant (bottom panel of Table 5.27). It is evident that the early intervention approach was successful in reducing processing times and therefore in more quickly referring the offender to a treatment program for abusive men.

Table 5.27 Days between the Main Decision Points in the Early Intervention Sites

	Peel		Durham	
	Pre-program	Post-program	Pre-program	Post-program
Days from offence to reporting the offence				
Mean	0.5	0.2	0.7	2
Median	0	0	0	0
Number of cases	71	130	68	113
Days from reporting the offence to the first hearing				
Mean	6	8	12	15
Median	1	6	1	16
Number of cases	71	130	68	110
Days from the first hearing to the date of adjudication (all cases)				
Mean	153	41	128	58
Median	100	22	87	45
Number of cases	74	127	68	109
t =	7.99		4.51	
df =	199		175	
p	<.001		<.001	

Days from the first hearing to the date of adjudication (guilty plea cases)				
Mean	72	41	88	58
Median	37	22	62	45
Number of cases	46	127	57	109
t =	2.77		2.11	
df =	171		144	
p	<.01		<.04	

The analysis of processing times was somewhat more complex in the coordinated prosecution sites. We know from other research that days in the court system can be influenced by case characteristics, such as trial dates, retaining counsel (as opposed to using duty counsel), detention before trial, prior record, and seriousness of offence. Organizational factors also affect processing times. For example, the addition of court resources – more judges and perhaps also Crown attorneys – may decrease the time required to resolve a domestic violence case. Two Assistant Crown attorneys were provided to each of the coordinated prosecution sites as a result of the Domestic Violence Project. In London, the court received an additional judge at about the same time as the Project began. Improved case management can also affect days to resolution. Such organizational or "environmental" factors cannot be quantified and therefore cannot be included in this type of analysis.

We are therefore left with case characteristics to try to understand the changes that have occurred in the three coordinated prosecution sites. This section first presents the pre-/post findings for the total samples and then looks at those cases where there was a trial date set. In Chapter 6, we determine if any known case characteristics are responsible for the changes described here.

As Table 5.28 shows, there was a large and statistically significant drop in the number of days from the first to the final hearing in Ottawa and London: in Ottawa the processing time went down from a mean of almost 5 months, to about 3.5 months; in London the decrease was from 3.8 months to 2.5 months, on average. There was no change in Hamilton.

Table 5.28 Days between the Main Decision Points in the Coordinated Prosecution Sites

	Ottawa		London		Hamilton	
	Pre-program	Post-program	Pre-program	Post-program	Pre-program	Post-program
Days from offence to reporting the offence						
Mean	14	0.6	0.5	0.5	4	6
Median	0	0	0	0	0	0
Number of cases	191	324	136	291	129	228
Days from reporting the offence to the first hearing						
Mean	17	18	24	21	6	11
Median	11	16	26	23	1	1
Number of cases	190	324	135	289	129	228
Days from the first hearing to the final hearing						
Mean	147	106	114	75	111	98
Median	138	98	111	49	109	84
Number of cases	198	326	138	290	129	228
t =	5.74		4.77		1.57	
df =	522		426		355	
p	<.001		<.001		n.s.	

The pre-/post differences in Ottawa and London were maintained when we controlled for whether the accused had a trial date set (Table 5.29). In Hamilton, the guilty plea cases showed a drop in average processing time (from 91 to 68 days), but the cases with trial dates showed an equally significant increase (from 130 to 159 days). These two changes cancelled each other out, which was why the overall pre-/post comparison, in the bottom panel of Table 5.27, above, was not statistically significant. The finding in Hamilton – that the guilty plea cases have speeded up, but cases with trial dates take more elapsed time to be processed – suggests that additional court staff were *not* responsible for the change in processing. One would expect that guilty plea and trial date cases would be equally affected if additional resources were responsible for these changes.

Table 5.29 Days from the First to the Final Hearing by Whether a Trial Date Was Set in the Coordinated Prosecution Sites

	Ottawa		London		Hamilton	
	Pre-program	Post-program	Pre-program	Post-program	Pre-program	Post-program
Guilty plea cases (no trial date)						
Mean	125	91	93	54	91	68
Median	116	88	76	26	69	49
Number of cases	96	187	88	190	63	153
t =	3.32		4.12		2.28	
df =	281		276		214	
p	<.001		<.001		<.03	
Cases where a trial date was set						
Mean	170	125	150	114	130	159
Median	162	115	144	110	129	156
Number of cases	98	139	50	100	64	73
t =	4.57		2.78		-2.79	
df =	235		148		135	
p	<.001		<.01		<.01	

Notes: "n.s." = not statistically significant.

Case Outcomes and Sentencing

This section looks at the case outcomes and sentences imposed on the most serious charge in the case.⁴⁴

1. Case Outcomes

The case outcome is defined as the type of adjudication on the most serious current charge; in order of seriousness, case outcomes are guilty, peace bonds either as a result of a withdrawal or dismissal, withdrawals, stays, dismissals, and findings of not guilty (acquittals).⁴⁵

In the early intervention courts, almost every accused in the Project was found guilty (Table 5.30). One man in each community had the charge(s) withdrawn after participation in the batterers' program according to the file data. In the pre-program samples, just over one-half of the accused were found guilty in both Peel and Durham, and peace bonds were the second most frequent outcome (22 percent in Peel, 32 percent in Durham).

In two coordinated prosecution sites, the percentage of offenders found guilty was similar pre- and post-Project. The exception was in Hamilton, where slightly more in the post-program sample were found guilty. Although this finding could be an artefact of sampling,⁴⁶ there was another, more probable explanation for the increase in guilty findings. After the DVC Project began, the Crown pursued a policy of recommending a conditional discharge with treatment as a condition of the accompanying probation order for minor cases that, pre-Project, would likely have resulted in a peace bond. The increase in the proportion of guilty findings, from 51 to 64 percent, was almost entirely accounted for by the decrease in peace bonds, from 27 to 13 percent; the percentages of the other types of terminations (withdrawals, stays, dismissals, and acquittals) remain almost identical in the two time periods. The next section shows that conditional discharges increased post-program.

Although the difference was not statistically significant, there was an increase in the use of peace bonds in London as well – from 1 to 13 percent. However, the increase comes at the expense of decreases in dismissals, stays, and acquittals; there was no change in the percentage of cases that were found guilty.

⁴⁴ If there is more than one charge, the most serious offence is defined as the charge that reaches the most serious adjudication (with guilty the most serious). If more than one charge results in a guilty finding, the charge with the most serious sentence is selected.

⁴⁵ This order is the same as used by the Canadian Centre of Justice Statistics, Statistics Canada in its analyses of court data.

⁴⁶ The pre-program sample in Hamilton is almost certainly biased in favour of cases with trial dates. This situation arose because we were obliged to select the sample from the files of the Victim/Witness Program.

In Ottawa, the use of peace bonds was constant pre- and post-program. Stays and dismissals slightly decreased.

The differences in guilty findings among the coordinated prosecution sites after the Project began were reasonably large: 72 percent of London, 64 percent of Hamilton, and 55 percent of Ottawa cases were found guilty.

Table 5.30 Case Outcome: The Type of Adjudication

Case outcome	Peel		Durham	
	Pre-program	Post-program	Pre-program	Post-program
Guilty	55.4 41	99.2 130	52.9 36	99.1 112
Peace bond (with withdrawal, dismissal)	21.6 16	0	32.4 22	0
Withdrawal	13.5 10	0.8 1	7.4 5	0.9 1
Stay	4.1 3	0	2.9 2	0
Dismissal	5.4 4	0	0	0
Not guilty	0	0	4.4 3	0
Total percent	100.0	100.0	100.0	100.0
Number of cases	74	131	68	113

Case outcome	Ottawa		London		Hamilton	
	Pre-program	Post-program	Pre-program	Post-program	Pre-program	Post-program
Guilty	49.5 99	55.4 181	69.1 96	71.6 209	51.2 66	63.8 146
Peace bond (with withdrawal, dismissal)	14.0 28	16.2 53	1.4 2	13.4 10	27.1 35	12.7 29
Withdrawal	13.0 26	14.4 47	6.5 9	8.9 26	8.5 11	8.7 20
Stay	11.5 23	6.7 22	3.6 5	2.7 8	7.0 9	8.3 19
Dismissal	11.5 23	6.1 20	17.3 24	11.6 34	6.2 8	5.2 12
Not guilty	0.5 1	1.2 4	2.2 3	1.7 5	0	1.3 3
Total percent	100.0	100.0	100.1	100.0	100.0	100.0
Number of cases	200	327	139	292	129	228

Notes: These data refer to the outcome/type of adjudication on the most serious charge. This means that "guilty" is to be interpreted as guilty on one or more offence; "peace bond" means that the person was not found guilty on any offence but entered into a peace bond in conjunction with a withdrawal

or a dismissal; "withdrawal", "stay", "dismissal". and "not guilty" mean that the accused was not found guilty on any charge.

The significant chi-square results are as follows: Ottawa, chi-square = 9.77, df=5, $p < .09$ (not significant but approaching significance); Hamilton, chi-square = 13.89, df = 5, $p < .02$. If the data are re-categorized as not found guilty versus guilty, the chi-square results are: Peel, chi-square = 65.67, df=1, $p < .001$; Durham, chi-square = 60.71, df=1, $p < .001$; Hamilton, chi-square = 11.30, df=1, $p < .001$.

2. Sentencing

Most Peel and Durham offenders who participated in the DVC Project were discharged conditionally: 91 percent and 80 percent, respectively, received a conditional discharge with probation (Table 5.31).⁴⁷ The slightly lower use of discharges in Durham was related to the higher proportion of more serious offences and offenders with a prior record in that court. Before the Project began, many offenders in Durham received suspended sentences (61 percent), and relatively few received a conditional discharge (19 percent).

In Peel, about three out of five offenders received a conditional discharge before the Project. One of the issues that arose during the first year and a half of Project operation was that there was not a great deal of incentive for accused persons to enter the DVC program. This conclusion was drawn because, in the experience of some, many accused were not found guilty and, even if found guilty, many would receive a conditional discharge. The pre-program data on the type of adjudication (Table 5.30) and the sentencing data (Table 5.31) lend some support to this conclusion. Furthermore, we collected data on 28 Peel cases that were eligible for admission to the Project but did not enter either because the victim could not be contacted or because the accused refused to participate. Of this group of 28, about one-half were found guilty. Of the 15 offenders who were found guilty, 73 percent (11 offenders) received an absolute discharge or a conditional discharge with probation. These findings also support the assumption that there was reasonably strong possibility that the charges will be withdrawn or, if not, the accused will receive a discharge. There may therefore be little incentive to participate in the Project when the likelihood of receiving a less serious outcome/sentence is quite high.

In the coordinated prosecution courts, there were few differences in sentences pre- and post-program. In both Ottawa and Hamilton, a higher proportion of offenders were given conditional discharges (an increase from 16 to 30 percent in Ottawa and from 8 percent to 23 percent in Hamilton). Intermittent custody and jail did not change over time. London offenders received very similar sentences pre- and post-program. Post-program, over one-quarter of Ottawa and London and 31 percent of Hamilton offenders were sentenced to jail on their most serious current offence. London offenders rarely received a conditional discharge and a sizeable minority (16 percent) were fined.

⁴⁷

2 percent in Peel and 1 percent in Durham received an absolute discharge.

Table 5.31 The Most Serious Sentence Imposed (detailed version)

Sentence	Peel		Durham	
	Pre-program	Post-program	Pre-program	Post-program
Absolute discharge	0	2.3 3	0	0.9 1
Conditional discharge (& probation)	61.0 25	90.8 118	19.4 7	79.5 89
Fine	2.4 1	0	0	2.7 3
Suspended sentence (& probation)	19.5 8	6.2 8	61.1 22	15.2 17
Conditional sentence (& probation)	0	0	5.6 2	0.9 1
Time served	14.6 6	0	2.8 1	0
Intermittent jail (& probation)	0	0.8 1	2.8 1	0
Jail	2.4 1	0	8.3 3	0.9 1
Total percent	99.9	100.0	100.0	100.1
Number of sentenced cases	41	130	36	112

Sentence	Ottawa		London		Hamilton	
	Pre-program	Post-program	Pre-program	Post-program	Pre-program	Post-program
Absolute discharge	3.0 3	0.6 1	1.0 1	0	0	1.4 2
Conditional discharge (& probation)	16.2 16	29.8 54	7.3 7	3.8 8	7.6 5	22.8 33
Fine	1.0 1	0	16.7 18	16.3 34	0	0.7 1
Suspended sentence (& probation)	43.4 43	29.3 53	38.5 37	40.7 85	45.5 30	31.0 45
Conditional sentence (& probation)	3.0 3	5.0 9	0	0.5 1	0	0.7 1
Time served	2.0 2	6.1 11	0	1.9 4	13.6 9	9.7 14
Intermittent jail (& probation)	2.0 2	2.8 5	12.5 12	9.1 19	6.1 4	2.8 4
Jail	22.2 22	26.5 48	24.0 23	27.8 58	27.3 18	31.0 45
Total percent	99.9	100.0	100.0	100.1	100.0	100.2
N of sentenced cases	99	181	96	209	66	145

The following three tables compare the sentence distributions for offenders in Ottawa, London, and Hamilton with no previous offence history (of any kind, not just for domestic violence) pre- and post-program; the second panel compares sentences imposed on offenders who had been found guilty of a *Criminal Code* offence in the past. These data were included in order to explore the increases in discharges in the post-Project period in two of the three court locations.

Table 5.32 Sentence by Prior Convictions in Ottawa

Sentence	Pre-program	Post-program
No prior convictions:		
Absolute or conditional discharge	48.3 14	65.7 46
Fine	0	0
Suspended sentence, conditional sentence, time served & probation	44.8 13	27.1 19
Jail	6.9 2	7.1 5
Total percent	100.0	99.9
Number of sentenced cases	29	70
Prior convictions:		
Absolute or conditional discharge	7.4 4	6.4 7
Fine	1.9 1	0
Suspended sentence, conditional sentence, time served & probation	53.7 29	49.5 54
Jail	37.0 20	44.0 48
Total percent	100.0	100.0
Number of sentenced cases	54	109

Note: The difference in the sentence distributions for first offenders is not statistically significant, even when the sentences are re-categorized as discharges versus other sentences.

In the post-program Ottawa sample, first offenders were more likely to receive a discharge than before the Project began (66 percent versus 48 percent), but the change was statistically non-significant. Very few first offenders received custodial sentences. Offenders with prior convictions showed no difference pre- and post-program. Note, however, that substantial proportions of this group received a custodial sentence (37 percent pre-program, and 44 percent post-program).

Table 5.33 Sentence by Prior Convictions in London

Sentence	Pre-program	Post-program
No prior convictions:		
Absolute or conditional discharge	22.2 6	11.6 8
Fine	18.5 5	20.3 14
Suspended sentence, conditional sentence, time served & probation	51.9 14	62.3 43
Jail	7.4 2	5.8 4
Total percent	99.9	100.0
Number of sentenced cases	27	69
Prior convictions:		
Absolute or conditional discharge	3.2 2	0
Fine	11.3 7	14.8 20
Suspended sentence, conditional sentence, time served & probation	37.1 23	31.9 43
Jail	48.4 30	53.3 72
Total percent	100.0	99.9
Number of sentenced cases	62	135

Note: The pre-/post distributions are not significant for either panel.

First offenders in London were slightly less likely to be discharged after the Project began. Compared to the other sites, very few first offenders receive a discharge. Both first offenders and recidivists tend to receive fines more often than in the other courts, but there were no differences over time. Recidivists received very similar sentences in both time periods. Approximately one-half of London offenders with prior convictions were jailed.

Table 5.34 Sentence by Prior Convictions in Hamilton

Sentence	Pre-program	Post-program
No prior convictions:		
Absolute or conditional discharge	16.7 3	64.1 25
Fine	0	0
Suspended sentence, conditional sentence, time served & probation	72.2 13	30.8 12
Jail	11.1 2	5.1 2
Total percent	100.0	100.0
Number of sentenced cases	18	39
Prior convictions:		
Absolute or conditional discharge	4.2 2	3.7 3
Fine	0	1.2 1
Suspended sentence, conditional sentence, time served & probation	54.2 26	43.9 36
Jail	41.7 20	51.2 42
Total percent	100.1	100.1
Number of sentenced cases	48	82

Note: When the data in panel one are re-categorized as discharges versus all other sentences, the chi-square = 11.01, df=1, $p<.01$.

A larger percentage of Hamilton first offenders were discharged in the post-program period; pre-program, most had their sentence suspended (or much less likely a conditional sentence). The increase in the percentage of first offenders discharged conditionally was the consequence of the policy of the Crown in Hamilton; after the Project began, cases that may otherwise have received a peace bond were recommended for a conditional discharge with a probation condition to attend treatment. The accused who were considered appropriate for discharge are similar to Project participants in the early intervention sites. There was a slight, statistically insignificant increase in the proportion of recidivists that received a jail term after the Project began. Otherwise, there was no difference pre- and post-program in sentencing patterns for offenders who had a history of guilty findings.

In summary, in two of the three coordinated prosecution sites, first offenders were more likely to be discharged conditionally or absolutely in the post-Project period; this finding was significant only in Hamilton. The large majority of persons who were discharged were first offenders: only 7 percent of Ottawa, 1 percent of London, and 4 percent of Hamilton offenders with an offence history were discharged.

Information on past convictions for domestic violence-related offences was available only for a subset of the total samples. This was unfortunate since many aspects of the court process may be different for cases with such an offence history. Table 5.35 shows the pre- and post-program changes in the percentages of offenders who were jailed by whether they had an abuse conviction in the past. Overall, just less than 20 percent offenders with no previous domestic convictions received a custodial sentence and there was no difference by period. On the other hand, two-thirds of offenders with a history of domestic violence were jailed after the program compared to 49 percent in the pre-program year. This statistically significant change could have occurred for a variety of reasons – including because specialized Crown attorneys were more likely to recommend jail for recidivists.

Table 5.35 Custodial Sentences by Prior Convictions for Domestic Violence in the Coordinated Prosecution Sites

Sentence	Pre-program	Post-program
No prior convictions for domestic violence:		
Other sentences	82.6 90	81.0 265
Intermittent jail and jail	17.4 19	19.0 62
Total percent	100.0	100.0
Number of sentenced cases	109	327
Prior convictions for domestic violence:		
Other sentences	51.2 22	32.7 37
Intermittent jail and jail	48.8 21	67.3 76
Total percent	100.1	100.1
Number of sentenced cases	43	113

Notes: Data on prior domestic convictions were available only for a subset of the total sample and therefore these data are not presented by site. However, each court location exhibits the same pattern as shown in this table.

The top panel is not statistically significant. The bottom panel is significant; chi-square = 4.49, df = 1, $p < .04$.

The mean and median number of months of probation does not change over time in the coordinated prosecution courts, but there was a reduction in the Peel and a slight decrease in Durham (Table 5.36).

Table 5.36 The Number of Months of Probation

	Peel		Durham	
	Pre-program	Post-program	Pre-program	Post-program
Mean months	18	10	16	13
Median months	16.5	9	12	12
Number of cases receiving probation	40	125	35	109

	Ottawa		London		Hamilton	
	Pre-program	Post-program	Pre-program	Post-program	Pre-program	Post-program
Mean months	15	16	14	16	19	18
Median months	12	12	12	12	18	12
Number of cases receiving probation	81	164	64	135	63	133

The number of days sentenced to custody showed no particular trends over time in the coordinated prosecution locations (especially when the pre-post changes in the medians were examined). See Table 5.37.

Table 5.37 The Number of Days Sentenced to Intermittent and Other Custody in Coordinated Prosecution Sites

	Ottawa		London		Hamilton	
	Pre-program	Post-program	Pre-program	Post-program	Pre-program	Post-program
Intermittent custody sentences						
Mean days	90	19	53	54	38	72
Median days	90	21	45	53	38	90
Number of cases	1	3	12	18	2	4
Other jail sentences						
Mean days	116	108	67	76	35	38
Median days	61	60	30	30	30	19
Number of cases	22	48	23	58	18	44

Note: One offender in Ottawa, post-program, received a 54 month custodial sentence, which would raise the average days sentenced to custody considerably.

Other than in Hamilton, relatively few offenders were prohibited from possessing a firearm or a license to possess a firearm (Table 5.38). In Peel there was a significant reduction in these orders after the Project began, from 10 to 1 percent of disposed of cases. In Ottawa, 6 percent of the pre-program sample and 17 percent of the post-program sample received a firearm prohibition – a statistically significant change.

Table 5.38 Firearm Prohibitions/Prohibitions against Acquiring a Firearm License

A firearm prohibition?	Peel		Durham	
	Pre-program	Post-program	Pre-program	Post-program
No	90.2 37	99.2 128	83.3 30	84.8 95
Yes	9.8 4	0.8 1	16.7 6	15.2 17
Total percent	100.0	100.0	100.0	100.0
Number of cases	41	129	36	112

A firearm prohibition?	Ottawa		London		Hamilton	
	Pre-program	Post-program	Pre-program	Post-program	Pre-program	Post-program
No	94.4 84	82.7 148	94.7 89	91.8 191	63.1 41	56.3 81
Yes	5.6 5	17.3 31	5.3 5	8.2 17	36.9 24	43.8 63
Total percent	100.0	100.0	100.0	100.0	100.0	100.1
Number of cases	89	179	94	208	65	144

Notes: The pre-post differences are statistically significant in Peel (chi-square = 8.79, df=1, p<.004) and in Ottawa (chi-square = 7.00, df=1, p<.01).

One of the main features of the Domestic Violence Courts Project is the referral of offenders to specialized programs designed especially for male batterers. One of the more unfortunate features of our file data collection problems was the infrequent mention of the type of treatment conditions imposed, especially in the pre-program Ottawa and London samples, and both pre- and post-program in Hamilton (Table 5.39). No conclusions can therefore be drawn about changes over time in the use of batterer treatment. It is evident, however, that the Ottawa court was more inclined to order the offender to an abusive men's program than was the London court. In the latter site, almost 40 percent of cases were given a general treatment condition, which means the decision remains at the discretion of the probation officer. While many probation officers require that their clients attend the designated abusive men's program, not all do so. In Ottawa, the court specified in at least 33 percent of cases that the offender was to attend an abusive men's program. In that court, a specially designed form that specifies the abusive men's program as a condition of probation has been accepted by the judiciary.

Table 5.39 Treatment Conditions on Probation Orders

	Ottawa		London		Hamilton	
	Pre-program	Post-program	Pre-program	Post-program	Pre-program	Post-program
No treatment, counselling condition	2.5 2	11.0 18	6.2 4	12.1 17	11.1 7	0
General condition at discretion of probation	2.5 2	14.7 24	18.5 12	39.3 55	11.1 7	26.3 35
Substance abuse treatment	1.3 1	3.1 5	0	0.7 1	6.3 4	1.5 2
Anger management treatment	1.3 1	0.6 1	3.1 2	5.0 7	11.1 7	2.3 3
Abusive men's program	11.3 9	33.1 54	0	4.3 6	1.6 1	14.3 19
Other, especially multiple treatment conditions	5.0 4	11.0 18	1.5 1	18.6 26	6.3 4	6.6 13
Not known	76.3 61	26.4 43	70.8 46	20.0 28	52.4 33	48.9 65
Total percent	100.0	100.0	100.0	100.0	100.0	100.0
Number of cases	80	163	65	140	63	133

CHAPTER 6: FACTORS AFFECTING CASE PROCESSING IN THE DOMESTIC VIOLENCE COURTS

This chapter presents the findings of the analyses of five topics relevant to improvements in the handling of domestic violence cases by the criminal justice system. They are the factors that affect

1. the willingness of the victim to testify and to otherwise cooperate with the court process;
2. the likelihood that the accused requested that a trial date be set, including whether the enhanced prosecution tools such as videotapes of victim statements affected setting a trial date;
3. the likelihood that the accused will be found guilty, including whether enhanced evidence affects that likelihood;
4. the number of days from first to final hearing; and,
5. the seriousness of the sentence imposed on the offender.

These analyses use multivariate statistical techniques in order to determine what case characteristics affect victim willingness, trial dates, case outcomes, processing times, and sentences when all other (known) factors are controlled.

Factors Affecting Victim Willingness to Testify

Information on the degree of victim cooperation with the court process was obtained for a sub-sample of all cases; these data were found in notes in Crown briefs and the files of the Victim/Witness Assistance Program. There was no change between the pre- and post-program year in terms of victim cooperation with court proceedings; in both years 59 percent of the cases involved willing victims. There was also no difference by court: 58 percent of Ottawa and Hamilton and 63 percent of London victims were willing to proceed with the matter.

The two-way relationships between victim willingness and other factors are shown in Table 6.1. Two legal factors were associated with victim willingness – the number of current charges (three or more) and whether there was a very serious charge in the case, such as assault causing bodily harm. The third factor can be considered to be a combination of legal and non-legal factors; we collected information on whether there was any evidence of past abuse, including prior charges relating to domestic violence, instances where no charges had been laid, and those where the abuse had not been reported. Cases where there was a history of abuse were more likely to have victims who were willing to testify. The nature of the couple's relationship was also related to victim willingness. Not surprisingly, estranged or separated victims and those who had been in the relationship for less than six months were more willing to testify than others. Finally, in a small number of cases the police report noted that the victim had been drinking at the time of the incident; victims in this category were less willing to cooperate with the prosecution.

Table 6.1 The Relationships between Victim Willingness to Cooperate with the Court Process and Other Factors, Pre-and Post-program in All Coordinated Prosecution Sites

	Percent & number of cases where victim willing to cooperate
No prior convictions for any offence	59.1% (101)
Prior convictions	57.8% (167)
1-2 current charges**	55.9% (210)
3 or more current charges	68.9% (71)
No very serious charge in case**	57.0% (243)
1 or more serious charge	71.7% (38)
No history of abuse (reported & unreported)**	53.5% (108)
Some history of abuse	62.5% (173)
Accused not drinking heavily	58.6% (218)
Accused drinking heavily	58.9% (63)
Accused not living with victim & children	59.6% (220)
Accused living with victim & children	55.2% (48)
Child under 18 not present at incident*	56.8% (172)
Child present	66.4% (91)
No victim injuries reported	61.6% (175)
Some victim injuries reported	54.4% (106)
Couple not estranged/separated***	48.8% (144)
Couple were estranged/separated	77.0% (127)
Victim not drinking at incident***	61.8% (235)
Evidence of victim drinking	35.8% (24)
Short (less than 6 months) or on & off relationship**	72.7% (32)
Longer (or more stable) relationship	57.2 (249)

Notes: These data are for the pre- and post-program samples in the coordinated prosecution sites for those cases where data on "victim willingness to testify" were obtained. The number of cases is about 470, which is 36 percent of the total sample.

The number of prior convictions was not available for the large majority of Ottawa and London cases and over one-third of cases in Hamilton; for this reason, we had to rely solely on whether the accused had any prior convictions as an indicator of offence history. This was unsatisfactory because it could be it was the length not the existence of a prior record that affects the willingness of victims to testify. Similarly, whether the accused had any domestic violence convictions in the past was unavailable for over one-half of this sample; the data that are available suggest that cases with

earlier convictions for abuse are more likely to involve willing victims than when no such history was present.

* p is from .05 to <.10; ** p<.05; ***p<.01. If the variable has no asterisks, there was no significant relationship to victim willingness.

Seven case characteristics were used in the analysis to determine which factors best predicted the willingness of the victim to testify. The statistical technique, logistic regression, "controls for" each of the possible predictors simultaneously. In order of statistical significance (Table 6.2, second last column), the following factors differentiated willing and unwilling witnesses when the other variables were controlled for:

1. whether the couple was separated or estranged at the time of the incident, with separated victims more willing to proceed with the case;
 2. whether the victim was allegedly drinking at the time of the abuse, with victims who were drinking less willing to proceed;
 3. victims were more willing when one or more child under 18 years of age was present at the incident;
 4. more current charges (three or more) appear to increase the victim's cooperation.
- The length of the couple's relationship did not meet the accepted cut-off point for statistical significance (p<.05).

Table 6.2 Factors Affecting Victim Willingness to Cooperate with the Court Process, Pre- and Post-program in All Coordinated Prosecution Sites

Independent variables:	B	Standard error	Wald test	Significance	Exp.(B)
3 or more current charges?	.63	.29	4.79	<.03	1.88
Any very serious current charge?	.72	.41	3.11	<.08	2.05
History of abuse?	.30	.23	1.79	n.s.	1.35
Child present at incident?	.53	.24	4.97	<.03	1.70
Couple estranged/separated?	1.11	.25	19.60	<.001	3.02
Victim drinking at incident?	-.81	.32	6.21	<.02	.45
Relationship longer than 6 months?	-.77	.40	3.76	<.06	.46
r ² square	.19 59.68, df=7, p<.001				
chi-square					

Notes: These data are for the pre- and post-program samples in the coordinated prosecution sites where information on the victim's willingness to testify was available. The total number of cases in the logistic regression is 399.

n.s. = not statistically significant.

A negative value of B means that the factor is inversely related to the variable that we are trying to explain (victim willingness). For example, victims who were *not* drinking at the time of the incident are more likely to be willing to testify.

Although this model was statistically significant (see the chi-square value), it does not explain a great deal of the variance in victim reluctance/willingness to testify. The r square, which shows the amount of variance in victim willingness explained by the case characteristics in Table 6.2, was only 19 percent.

This analysis found that the nature of the relationship of the couple at the time of incident, the presence of a child or young person under the age of 18 years at the incident, the victim's (alleged) consumption of alcohol before the incident, and the number of current charges may be factors that affect the victim's willingness to cooperate with the court process.

Factors Affecting Trial Dates

Two analyses are undertaken in this section: the first looks at the role played by the victim's willingness to testify against her/his partner in combination with other factors; the second attempts to determine if the presence of enhanced prosecution aids affects the likelihood that a trial date was set.

1. Victim Willingness and Other Factors

This section looks at the factors that affected the accused requesting a trial date, including victim willingness to cooperate, for the total samples – all three coordinated prosecution sites for the pre- and post-program periods combined. This was done because:

1. There were no differences pre- and post-program in the proportion of cases where victims were willing to testify.
2. There were no differences by site in victim willingness.
3. By combining the samples (by site, by time period), there were a larger number of cases for the multivariate analysis and the findings may be more generalizable to other court locations.

The two-way relationships between having a trial date and other factors were found in Table 6.3. There were relatively few statistically significant relationships in this sample. The number of current charges, whether the accused was drinking heavily according to the police report, detention at the bail hearing, and victim willingness to cooperate were significantly related to having a trial date.

Table 6.3 The Relationships between Trial Dates and Other Factors, Pre- and Post-program in All Coordinated Prosecution Sites

	Percent & number of cases with a trial date
No prior convictions for any offence	45.8% (77)
Prior convictions	43.1% (124)
1-2 current charges***	48.0% (179)
3 or more current charges	31.4% (32)
No very serious charge in case	44.9% (190)
1 or more serious charge	40.4% (21)
No history of abuse (reported & unreported)	47.3% (95)
Some history of abuse	42.3% (116)
Accused not drinking heavily**	47.2% (174)
Accused drinking heavily	34.9% (37)

Accused not living with victim & children*	46.2% (169)
Accused living with victim & children	36.0% (31)
Child under 18 not present at incident*	47.0% (141)
Child present	38.2% (52)
No victim injuries reported	45.0% (127)
Some victim injuries reported	43.5% (84)
Victim not drinking at incident	43.4% (163)
Evidence of victim drinking	52.2% (35)
Short (LT 6 months) or on & off relationship	47.7% (21)
Longer (or more stable) relationship	44.1% (190)
Released by police***	47.9% (79)
Detained by police, released at bail hearing	47.5% (114)
Detained by court at bail hearing	25.7% (18)
Victim only adult witness to incident	43.7% (107)
1 other witness	45.5% (56)
2 other witnesses	49.1% (28)
3 or more other witnesses	28.6% (8)
Victim unwilling to cooperate***	70.6% (139)
Victim willing to proceed with the court process	25.9% (72)

Notes: These data are for the total samples (i.e., pre- and post-program) in the coordinated prosecution sites for those cases where data on "victim willingness" were obtained. The total number of cases is approximately 475; the precise numbers vary by factor because of missing values.

* p is from .05 to <.10; ** p<.05; ***p<.01.

When controlling for all factors simultaneously, the analysis of the factors affecting the setting of a trial date found that:

1. The victim's willingness to testify decreased the likelihood of having a trial date set..
2. If the accused was not living with the victim and their children, there was a much greater likelihood of a trial date. In other words, persons living with a spouse and their children were more likely to plead guilty than accused who had a different type of relationship with the victim.
3. If the accused was drinking heavily at the time of incident, the case was less likely to involve a trial date.
4. Cases where the accused was released by police or at the bail hearing were more likely to have a trial date set.

The r square value was .30, which means that 30 percent of the variation in whether a trial date was set was explained by the factors listed in Table 6.4.

Table 6.4 Factors (Including Victim Willingness) Affecting Trial Dates, Pre- and Post-program in All Coordinated Prosecution Sites

Independent variables:	B	Standard error	Wald test	Significance	Exp.(B)
3 or more current charges?	-.46	.29	2.46	n.s.	.63
Accused drinking heavily?	-.56	.27	4.23	<.04	.57
Accused living with victim & children	-.80	.29	7.63	<.006	.45
Accused released at bail hearing/never detained	.79	.36	4.77	<.03	2.20
Victim willing to cooperate/testify?	-1.99	.22	79.28	<.001	.14
r ² square	.30				
chi-square	chi-square = 115.37, df=5, p<.001				

Notes: These data are for the total samples (i.e., pre- and post-program) in the coordinated prosecution sites where information on victim cooperation was available. The total number of cases in the logistic regression is 451.

Therefore, the willingness of the victim to engage in the court process was a key factor in the final plea of the accused. This poses a serious problem in the prosecution of domestic violence cases. As is well known, most domestic violence occurs in the home with few or no witnesses, and the willingness of the victim to testify and provide information to the police and prosecution is usually critical to a successful conviction. The strength of this variable in the prediction of trial date cases supports the decision to direct additional resources to the Victim/Witness Assistance Program. If VWAP staff are able to make early contact with victims to provide them with information and support, they may be more apt to follow through with the court process – perhaps causing the accused to think twice before entering into the trial process.

In summary, the factors that most affected whether a trial date was set were the victim's willingness to proceed with the case and whether the victim and accused were living together with their children.

2. The Role Played by Coordinated Prosecution Factors in Each Site

The research question addressed in this section is "what factors influence the likelihood of the accused requesting a trial date when we include enhanced prosecution factors?" Our major interest was to determine the extent to which enhanced investigative and prosecutorial tools affected the probability that the accused would request a trial date. The "logic model" in Figure 1 (Chapter 1) assumes that the availability of such evidence encourages guilty pleas. By undertaking multivariate statistical analysis, we can determine the effects of these types of evidence on whether a trial date was set. The data in this section are for the post-program period. Unfortunately the victim's willingness to

cooperate with the court process could not be included, because the number of cases eligible for inclusion in the analysis would have dropped to an unacceptably low level.

In Chapter 5, Tables 5.3 to 5.9 showed the extent to which Crown attorneys in Ottawa, London, and Hamilton had enhanced evidence available for the prosecution of domestic violence cases after the Domestic Violence Court Project began. It was found, for example, that Ottawa Crowns had videotaped victim statements in 13 percent, 911 audiotapes in 52 percent, and photographs of victim injuries in 26 percent of the post-program sample. Because there were large variations by site in the extent to which these aids to prosecution were available, the analysis in this section is done separately for each of the three coordinated prosecution sites.

The variables in the logistic regression analysis were separated into three categories: legal, situational, and enhanced prosecution variables. Legal factors include the seriousness of the charges, the number of charges, and the prior record of the accused. A quasi-legal factor is whether the accused was detained by the police and/or the court; the legal criteria for detention during trial include both legal factors (offence history, especially relating to past administration of justice offences) and social factors, such as the accused's roots in the community. Situational factors are those that are specific to the incident and individuals involved in the altercation, including the type of relationship that existed between the accused and the victim at the time of the incident, the age of the accused, and whether the police report indicated that the accused had been drinking heavily before the incident. Enhanced prosecution factors are: the availability of medical records, 911 audiotapes, a videotaped victim statement, photographs of victim injuries, and the number of witness statements taken by police. The two-way relationships to trial dates in each site are shown in Table 6.5.

Table 6.5 The Relationships between Legal, Situational, and Enhanced Prosecution Factors and Setting a Trial Date, Post-program in the Coordinated Prosecution Sites, by Site

	Ottawa	London	Hamilton
% and number of cases where a trial date was set			
Legal factors			
No prior convictions	42.4% (61)	33.7% (33)	36.9% (31)
Prior convictions	43.3% (78)	35.5% (67)	29.1% (41)
1-2 current charges	49.8% (122)***	35.9% (93)	35.8% (63)**
3 or more current charges	22.8% (18)	25.0% (8)	19.6% (10)
No very serious charge	43.2% (124)	34.3% (94)	33.0% (68)
1 or more serious charge	40.0% (16)	38.9% (7)	23.8% (5)
No administration of justice charges	47.3% (77)***	33.7% (86)	35.0% (62)*
1 or more administration of justice charge	26.8% (19)	40.5% (15)	22.0% (11)

Released by police	49.3% (106)***	34.1% (56)	38.9% (14)**
Detained by police, released at bail hearing	38.0% (27)	43.5% (30)	36.0% (54)
Detained at bail hearing	17.1% (7)	25.4% (15)	12.2% (5)
Situational factors			
Accused not drinking heavily	48.4% (109)***	37.9% (77)*	34.9% (60)
Accused drinking heavily	30.4% (31)	27.0% (24)	23.6% (13)
Accused not living with victim & their children	43.1% (110)	37.1% (83)*	33.3% (62)
Accused living with victim & their children	42.2% (27)	25.0% (15)	27.5% (11)
Child under 18 not present at incident	43.9% (105)	35.0% (70)	27.0% (27)
Child present	39.8% (35)	33.7% (31)	25.0% (18)
Couple not estranged/separated	41.7% (86)	35.1% (66)	31.8% (48)
Couple were estranged/separated	45.1% (51)	34.7% (35)	33.3% (24)
No medical treatment of the victim	43.1% (122)	33.1% (82)	33.3% (69)
Victim sought medical treatment	39.5% (17)	43.2% (19)	20.0% (4)
Enhanced prosecution factors			
No medical records requested (includes no injuries)	42.6% (126)	34.0% (90)	32.0% (70)
Medical records requested	45.2% (14)	40.7% (11)	37.5% (5)
No 911 audiotape requested	42.5% (77)	34.1% (89)	32.7% (73)
911 audiotape requested	43.2% (63)	38.7% (12)	0 (of 4)
No photograph of victim injuries	41.4% (121)	34.7% (87)	32.1% (67)
Victim photograph	54.3% (19)	34.1% (14)	33.3% (6)
No videotaped victim statement	45.0% (130)**	34.5% (99)	31.5% (70)
A videotaped victim statement	26.3% (10)	40.0% (2)	60.0% (3)
No statements taken	66.7% (16)**	33.3% (2)	33.3% (2)
1 statement	44.6% (90)	36.1% (66)	37.5% (48)
2 statements	35.2% (25)	33.3% (21)	26.2% (17)
3 or more statements	31.0% (9)	28.2% (11)	21.7% (5)
Number of cases	327	292	229

Notes: These are post-program data for the coordinated prosecution sites. The total number of cases for each site is in the bottom row; the precise numbers vary by factor because of missing values.

* p is from .05 to < .10; ** p<.05; ***p<.01.

The infrequency of the use of enhanced prosecution factors in London and Hamilton means that only some variables could be included in the analysis. In London,

videotaped statements were rarely taken and were excluded. In Hamilton, medical records, 911 audiotapes, victim photographs, and videotaped statements were excluded because of the small numbers of cases. (See the numbers in brackets in the "enhanced prosecution factors" panel of Table 6.5.)

Most of the variables included in the multivariate analysis are identified by asterisks in Table 6.5. In Ottawa, in addition to the variables identified there, the age of the accused and the offence history of the accused (no past convictions versus one or more conviction) were included because preliminary analysis indicated that these factors assisted in the prediction of a trial date when combined with other legal factors. The factors were added in three stages – first the legal, then the situational, and finally the enhanced prosecution factors. This was done in order to determine if each set made a unique contribution to the prediction of requesting a trial date, once the contribution made by the previously entered sets was accounted for. This technique addresses the question of whether the enhanced prosecution factors contributed to the prediction of likelihood of requesting a trial date, over and above the contribution made by first the legal and then the situational factors.

The analysis of the *Ottawa* data showed that there was an improvement in predictive power at each step; both the *r* square and the chi-square values increased in steps two and three (the bottom panel of Table 6.6), when the situational and enhanced prosecution factors were entered, respectively.

Table 6.6 Legal, Situational, and Enhanced Prosecution Variables Affecting Setting a Trial Date, Post-program in Ottawa

Independent variables:	First step			Second step			Third step		
	B (s.e.)	Wald test	Sign.	B (s.e.)	Wald test	Sign.	B (s.e.)	Wald test	Sign.
Legal factors									
Accused have any prior convictions?	.45 (.25)	3.14	.08	.58 (.26)	4.74	.03	.54 (.27)	3.87	.05
3 or more current charges?	-.91 (.34)	7.13	.008	-.88 (.35)	6.53	.02	-.70 (.36)	3.69	.06
Any administration of justice charge?	-.21 (.35)	0.36	n.s.	-.13 (.36)	0.13	n.s.	-.17 (.37)	0.21	n.s.
Detained at bail hrg (2) released at bail hrg (1), police release (0)	.45 (.21)	4.50	.04	.48 (.22)	4.97	.03	.52 (.22)	5.47	.02
Situational factors									
Accused drinking heavily?				-.71 (.28)	6.34	.02	-.74 (.29)	6.41	.02
Age of accused				-.02 (.01)	3.27	.08	-.02 (.01)	3.03	.09
Enhanced prosecution factors									
A 911 audiotape request?							.11 (.25)	0.20	n.s.
Medical records?							.18 (.45)	0.16	n.s.
Videotaped victim statement?							-1.05 (.45)	5.57	.02
Photographs of victim injuries?							.80 (.42)	3.58	.06
Number of witness statements							-.27 (.18)	2.23	n.s.
Step statistics									
r ²	.10			.15			.18		
chi-square	24.76, df=4, p<.001			36.10, df=6, p<.001			46.06, df=11, p<.001		

Notes: There are 314 cases in this logistic regression.

Of the legal factors, whether the accused had a history of *Criminal Code* convictions and pre-trial detention predicted whether a trial date was set. Accused with an offence history were less likely to set a trial date. Similarly, accused who were detained at their bail hearing had a lower likelihood than others of setting a trial date. Accused who were drinking heavily at the time of the incident and older accused were less likely to ask for a trial date. Of the enhanced evidence, one was statistically significant; when the victim's statement was videotaped, the accused was less likely to have a trial date set.

The lack of relationship between the presence of a 911 audiotape of the victim's (or other's) call for police assistance and trial dates is noteworthy. One explanation put

forward by an Ottawa respondent was that defence counsel rarely listen to the audiotaped evidence, with the consequence that the setting of a trial date was unaffected by its existence.

Therefore, in Ottawa the presence of videotaped victim statements reduced the likelihood of setting a trial date. Other predictors were pre-trial detention and impairment of the accused by alcohol at the time of the incident. The case characteristics explained 18 percent of the variance in the setting of a trial date; in other words, there were other personal or situational factors that influenced this critical decision by the accused – such as the willingness of the victim to testify, as was found in the last section.

Table 6.7 Legal, Situational, and Enhanced Prosecution Variables Affecting Setting a Trial Date, Post-program in London

Independent variables:	First step			Second step			Third step		
	B (s.e.)	Wald test	Sign.	B (s.e.)	Wald test	Sign.	B (s.e.)	Wald test	Sign.
Legal factors									
3 or more current charges?	-.47 (.44)	1.11	n.s.	-.39 (.45)	0.72	n.s.	-.29 (.46)	0.40	n.s.
Any administration of justice charge?	.58 (.38)	2.30	n.s.	.55 (.39)	2.00	n.s.	.49 (.39)	1.57	n.s.
Accused released at bail hrg/never detained	.59 (.35)	2.88	.09	.57 (.36)	2.54	n.s.	.60 (.37)	2.65	n.s.
Situational factors									
Victim sought medical treatment?				.61 (.35)	3.14	.08	.79 (.39)	4.05	.05
Accused drinking heavily?				-.53 (.30)	3.10	.08	-.52 (.30)	2.96	.09
Accused living with victim & children?				-.30 (.26)	1.30	n.s.	-.31 (.26)	1.37	n.s.
Enhanced prosecution factors									
A 911 audiotape request?							.05 (.40)	0.00	n.s.
Photographs of victim injuries?							-.34 (.41)	0.63	n.s.
Number of witness statements							-.20 (.19)	1.16	n.s.
Step statistics									
r ²	.03			.06			.07		
chi-square	6.21, df = 3, n.s.			13.07, df=6, p<.05			14.85, df=9, p<.10		

Notes: There are 282 cases in this logistic regression.

In *London*, medical treatment of the victim predicted whether a trial date was set; cases where the victim sought treatment were more likely to involve a trial date (see Table 6.7, above). Possibly "medical treatment sought" was a better indicator of seriousness of the offence than was the type of charge. No other factors predicted trial dates. The

addition of three of the enhanced prosecution factors – 911 tapes, victim photographs, and number of witness statements – made little difference to the r^2 value, which only showed a small increase, of 1 percent, from steps two to three. The overall model, in step three, was not statistically significant and the r^2 statistic indicated that only 7 percent of the variance was explained by the factors in Table 6.7.

Table 6.8 Legal, Situational, and Enhanced Prosecution Variables Affecting the Setting of a Trial Date, Post-program in Hamilton

Independent variables:	First step			Second step			Third step		
	B (s.e.)	Wald test	Sign.	B (s.e.)	Wald test	Sign.	B (s.e.)	Wald test	Sign.
Legal factors									
3 or more current charges?	-.58 (.43)	1.87	n.s.	-.65 (.43)	2.27	n.s.	-.50 (.44)	1.29	n.s.
Any administration of justice charge?	-.29 (.42)	0.47	n.s.	-.33 (.42)	0.60	n.s.	-.37 (.43)	0.76	n.s.
Released at bail hrg/never detained	1.09 (.52)	4.44	.04	.112 (.53)	4.54	.04	1.11 (.53)	4.40	.04
Situational factors									
Accused drinking heavily?				-.45 (.37)	1.44	n.s.	-.48 (.38)	1.66	n.s.
Accused living with victim & children?				-.59 (.30)	3.77	.06	-.60 (.30)	3.82	.06
Enhanced prosecution factors									
Number of witness statements							-.34 (.23)	2.14	n.s.
Step statistics									
r^2 square	.07			.10			.11		
chi-square	11.27, df = 3, $p < .02$.			16.42, df=5, $p < .006$			18.73, df=6, $p < .05$		

Notes: There are 220 cases in this logistic regression.

In *Hamilton*, the only legal predictor of trial dates was whether the accused was detained by the justice of the peace; this group was less likely to set a trial date (Table 6.8, above). In addition, accused who were not in a conjugal relationship with their victims and children were marginally more likely to request a trial date ($p < .06$). With only 11 percent of the variance explained by the model, case characteristics other than those in Table 6.8 must play an important part in affecting trial dates.

In general, the enhanced prosecution variables did not fare well in the prediction of trial dates. This, however, does not necessarily mean that having audiotapes of 911 calls, photographs of victim injuries, medical records, and multiple witness statements do not encourage the accused to plead guilty. Some factors were not used often enough to warrant their inclusion in the analysis. Even when included, the numbers were often small.

In Ottawa, 911 tapes were obtained very frequently, but were not found to be a significant predictor of trial dates. A possible explanation was that requesting 911 tapes has become so routine in the evidence collection process that many tapes were not particularly telling (e.g., no background noises to support a violent or volatile environment; a calm reporter).

A finding that provided quantitative support to enhanced investigation techniques in domestic violence was the effect of the availability of videotaped statements on trial dates. In Ottawa the accused was almost twice as likely to plead guilty in cases with videotaped evidence as in cases without a videotaped victim statement. There have been concerns, particularly among representatives of some violence against women groups, that videotaping victims may re-victimize women because they would be forced into testifying in fear of legal repercussions. The finding that the accused was more likely to plead guilty in cases with this evidence suggests that videotaped victims may benefit by not having to recount their experiences at trial.

3. Summary

The existence of a videotaped victim statement affected the likelihood of a trial date; if a videotape was available to the Crown, the probability of the accused requesting a trial date decreased. A second important finding was that the attitudes of the victim towards the prosecution of her/his abuser were critical factors in the accused's decision to request a trial. These findings may not be unexpected, but it is the first time to our knowledge that they have been documented empirically.

Factors Affecting Case Outcome

Case outcome was defined as whether the accused was found guilty on any charge in the case (no or yes). This section repeats the analysis in the last section on trial dates, only in abbreviated form to avoid excessive repetition. The evaluation questions are:

1. To what extent does the victim's willingness to cooperate with the prosecution affect case outcome when other factors are taken into consideration?
2. How do the enhanced prosecution variables fare in relation to other factors, in terms of affecting case outcomes in the post-Project period?

1. Victim Willingness and Other Factors

Table 6.9 shows the effects of case-related factors, especially the willingness of the victim to testify, on the case outcome for the coordinated prosecution sites for the pre- and post-program period combined. By far the most important factor in whether the accused was found guilty on any charge was victim cooperation. Next important in affecting outcome was pre-trial detention, with those who were not detained having a greater likelihood of not being found guilty on any charge. Having a breach charge among the current offences also significantly affected outcomes; if an administrative of justice offence was involved, the accused was more likely to be found guilty on at least one charge. The r square value was very high, at 52 percent, indicating that over half of the variance in case outcomes was explained by the factors in Table 6.9.

Table 6.9 Factors (Including Victim Willingness) Affecting the Case Outcome, Pre- and Post-program in All Coordinated Prosecution Sites

Independent variables:	B	Standard error	Wald test	Significance	Exp.(B)
Accused have any prior convictions?	.26	.29	0.79	n.s.	1.29
3 or more current charges?	.59	.37	2.51	n.s.	1.81
Any administration of justice charge?	.88	.028	5.11	<.03	2.40
Accused drinking heavily?	.50	.34	2.22	n.s.	1.65
Accused released at bail hearing/never detained	-1.44	.49	8.48	<.004	.24
Number of witnesses	.26	.16	2.72	<.10	1.30
Victim willing to cooperate/testify?	3.08	.29	113.67	<.001	21.78
R ² square	.52				
Chi-square	chi-square = 200.01, df=7, p<.001				

Notes: These data are for the total samples (i.e., pre- and post-program) in the coordinated prosecution sites where information on victim cooperation was available. The total number of cases in the logistic regression is 407.

2. The Role Played by Enhanced Prosecution Factors in Each Site

The purpose of this analysis is to find out if the enhanced prosecution aids available to the prosecution affected case outcomes. It is possible that, even though trial dates were unaffected by these factors (except videotaped victim statements, as found in the last section), the improved evidence affected the outcome of the case. It may be that the accused pleads guilty upon learning of the availability of this evidence. Findings for each site are presented in turn.

In *Ottawa*, the case outcome was affected by two legal factors, the number of current charges and pre-trial detention (Table 6.10). The one situational factor that was related was heavy drinking by the accused at the time of the incident; persons impaired by alcohol were more likely to be found guilty. Recall that accused who were drinking heavily were also more likely to plead guilty (Table 6.6). Two of the five enhanced prosecution tools affected the likelihood of a guilty finding:

- if there was a videotaped statement of the victim, the accused had a higher probability of being found guilty;
- the larger the number of witness statements available to the prosecution, the greater the probability that the accused would be found guilty.

Table 6.10 Legal, Situational, and Enhanced Prosecution Variables Affecting the Case Outcome, Post-program in Ottawa

Independent variables:	First step			Second step			Third step		
	B (s.e.)	Wald test	Sign.	B (s.e.)	Wald test	Sign.	B (s.e.)	Wald test	Sign.
Legal factors									
3 or more current charges?	1.28 (.33)	15.19	.001	1.22 (.33)	13.57	.001	1.01 (.34)	8.75	.004
Released at bail hearing/never detained	-2.03 (.63)	10.49	.002	-2.04 (.63)	10.47	.002	-2.25 (.64)	12.27	.001
Situational factors									
Accused drinking heavily?				.62 (.27)	5.29	.03	.62 (.28)	5.04	.03
Enhanced prosecution factors									
A 911 audiotape request?							.10 (.25)	0.17	n.s.
Medical records?							.24 (.45)	0.28	n.s.
Videotaped victim statement?							.90 (.42)	4.69	.03
Photographs of victim injuries?							-.19 (.42)	0.20	n.s.
Number of witness statements							.43 (.18)	5.94	.02
Step statistics									
r ²	.18			.20			.24		
chi-square	46.85, df=2, p<.001			52.21, df=3, p<.001			64.86, df=8, p<.001		

Notes: There are 323 Ottawa post-program cases in this logistic regression.

The r square value for step three was .24, indicating that 24 percent of the variance in case outcomes was accounted for by the factors in this table.

In *London*, the factors that significantly affected case outcomes were pre-trial detention and the number of witness statements. The availability of photographs of the victim's injuries approached significance ($p < .06$). When the enhanced prosecution factors were added in step three, the r square value increased by 5 percent, from 6 to 11 percent, indicating that they contributed to the explanatory power of the equation to a fair degree. Therefore, two enhanced prosecution factors were significant (or almost so) in London; medical records and videotaped victim statements were not obtained sufficiently often to include in the analysis. The case characteristics in Table 6.11 explained only 11 percent of the variance in case outcomes.

Table 6.11 Legal, Situational, and Enhanced Prosecution Variables Affecting the Case Outcome, Post-program in London

Independent variables:	First step			Second step			Third step		
	B (s.e.)	Wald test	Sign.	B (s.e.)	Wald test	Sign.	B (s.e.)	Wald test	Sign.
Legal factors									
3 or more current charges?	.67 (.51)	1.70	n.s.	.77 (.52)	2.19	n.s.	.59 (.53)	1.23	n.s.
Accused released at bail hearing/never detained	-.87 (.39)	4.89	.03	-.91 (.40)	5.31	.03	-1.03 (.41)	6.45	.02
Situational factors									
Victim sought medical treatment?				-.35 (.37)	0.90	n.s.	-.77 (.42)	3.40	.07
Child under 18 witnessed incident?				.58 (.30)	3.67	.06	.57 (.31)	3.37	.07
Enhanced prosecution factors									
A 911 audiotape request?							.29 (.45)	0.42	n.s.
Photographs of victim injuries?							.92 (.48)	3.60	.06
Number of witness statements							.43 (.20)	4.73	.03
Step statistics									
r ²	.04			.06			.11		
chi-square	8.71, df=2, p<.02			13.13, df=4, p<.02			22.17, df=7, p<.003		

Notes: There are 290 London cases in this logistic regression.

In the *Hamilton* post-program sample, the number of current charges, pre-trial detention, and the number of witness statements predicted the case outcome. Other enhanced prosecution tools were obtained too infrequently to include in the analysis. Unlike London, the case outcome was explained reasonably well by the case characteristics in Table 6.12; the r square value in step three shows that 23 percent of the variance in case outcome was explained by these factors.

Table 6.12 Legal, Situational, and Enhanced Prosecution Variables Affecting the Case Outcome, Post-program in Hamilton

Independent variables:	First step			Second step			Third step		
	B (s.e.)	Wald test	Sign.	B (s.e.)	Wald test	Sign.	B (s.e.)	Wald test	Sign.
Legal factors									
Number of current charges	.62 (.19)	10.90	.002	.67 (.19)	11.89	.007	.60 (.20)	8.79	.004
Accused released at bail hearing/never detained	-1.49 (.56)	7.04	.009	-1.51 (.57)	6.99	.009	-1.52 (.57)	7.00	.009
Situational factors									
Accused drinking heavily?				.51 (.37)	1.91	n.s.	.56 (.37)	2.21	n.s.
Accused living with victim & children?				.49 (.30)	2.62	n.s.	.52 (.31)	2.78	.10
Enhanced prosecution factor									
Number of witness statements							.60 (.24)	6.39	.02
Step statistics									
r ²	.17			.19			.23		
chi-square	28.87, df=2, p<.001			33.27, df=4, p<.001			40.13, df=5, p<.001		

Notes: There are 222 Hamilton post-program cases in this logistic regression.

3. Summary

Whether or not the accused was found guilty on one or more current charges was highly influenced by whether the victim was willing to testify and otherwise cooperate with the prosecution.

In all three sites, the more witness statements taken by the police, the greater the likelihood that the accused will be found guilty. The availability of victim photographs marginally increased the likelihood of a guilty finding in London (one of the two sites for which data were available). The availability of a videotape of the victim's statement predicted that the accused would be found guilty in Ottawa. As was found in the preceding analysis of trial dates, audiotapes of emergency 911 calls to the police did not affect the case outcome in the two court locations for which sufficient data were available.

Factors Affecting Processing Times

Processing times are especially important in domestic violence cases because delays not only increase the length of time before convicted offenders receive appropriate treatment, they also may exacerbate victim frustration and reluctance to testify. This section describes the factors affecting the length of the court process in the enhanced prosecution sites. In Chapter 5 it was reported that, in Ottawa and London,¹ the number of days to complete the court process significantly decreased after the Domestic Violence Courts began. The purpose of the analysis was to determine whether these reductions in processing times are "real" differences or were caused by other changes in the case characteristics in the two periods. Regression analysis was used to determine if there was a change in the length of the court process in the post-Project period attributable to the introduction of the Domestic Violence Courts.

As shown in Table 6.13, in Ottawa, the factors associated with the length of the court process were:

- whether the accused was detained by the court; accused persons who were detained had much shorter processing times;
- older accused persons had shorter processing times (not shown in Table 6.13);
- whether the victim received medical attention, with cases where this had occurred taking significantly longer than others;
- cases where there were photos of victim injuries take longer;
- cases where there was a trial date set took on average over one month longer than other cases;
- whether the case occurred in the pre- or post-program period, with pre-program cases taking about a month longer.

In London, the following variables were related to processing times:

- the presence of very serious charges in the case; with serious incidents taking almost 1.5 months longer;
- pre-trial detention of the accused;
- the age of the accused, with older accused having shorter processing times (not shown in Table 6.13);
- cases with a trial date took about twice as long as others;
- whether the case occurred in the pre- or post-program period, with pre-program cases over a month longer, on average.

Lastly, in Hamilton, these factors were associated with processing times:

- the presence of administration of justice charges in the case, with matters with no such charges taking longer than those where there was a bail or probation violation;
- pre-trial detention of the accused;
- cases where the accused was drinking heavily took less time than did others;

¹ See "Court Resources and Processing Times" in Chapter 5, Tables 5.25 to 5.29.

- the small number of cases (N = 5) where a 911 audiotape was requested took less time than did others;
- the small number of cases (N = 13) where a videotaped victim statement was taken took more time than others;
- whether a trial date was set, with trial date cases taking about twice as long as other cases.

Unlike Ottawa and London, there was no significant difference pre- and post-program in the number of days required to process domestic violence cases in Hamilton. Table 5.28, however, showed that there were differences in processing lengths in the two periods when whether a trial date was set was included – the guilty plea cases took less time and the trial date cases took more time after the DVC Project began in Hamilton. The research questions for Hamilton were therefore: what case characteristics affected the length of (a) guilty plea cases and (b) trial date cases?

Table 6.13 The Relationships between the Length of the Court Process in Days to Other Factors, Pre- and Post-program, in the Enhanced Prosecution Sites, by Site

	Ottawa	London	Hamilton
Average number of days from first to final hearing and number of cases			
Legal factors			
No prior convictions	118 (207)	85 (140)	109 (128)
Prior convictions	123 (272)	89 (275)	98 (225)
1-2 current charges	122 (404)	99 (385)	105 (271)
3 or more current charges	111 (115)	84 (42)	96 (86)
No very serious charge	119 (461)	84 (398)***	100 (279)
1 or more serious charge	125 (61)	126 (30)	120 (78)
No administration of justice charges	120 (420)	89 (383)	108 (279)**
1 or more administration of justice charge	118 (102)	74 (45)	84 (78)
Released by police	124 (330)***	90 (245)***	89 (46)***
Detained by police, released at bail hearing	138 (139)	122 (110)	121 (249)
Detained at bail hearing	45 (53)	25 (73)	40 (62)
Situational factors			
Accused not drinking heavily	122 (389)	89 (316)	109 (278)***
Accused drinking heavily	113 (129)	82 (112)	79 (79)
No (visible) victim injuries	114 (264)	85 (159)	100 (237)
(Visible) victim injuries	125 (258)	89 (269)	108 (120)
No medical attention sought	117 (360)**	88 (316)	102 (324)
Victim sought medical attention	139 (60)	90 (54)	106 (32)

Enhanced prosecution factors			
No 911 audiotape requested	121 (369)	86 (394)	104 (352)**
911 audiotape requested	116 (153)	97 (34)	23 (5)
No photograph of victim injuries	116 (476)***	87 (380)	100 (330)**
Victim photograph	158 (46)	87 (48)	131 (27)
No videotaped victim statement	119 (484)	88 (423)	101 (344)**
A videotaped victim statement	133 (38)	42 (5)	144 (13)
Trial date cases			
Guilty plea/no trial date	101 (282)***	66 (278)***	75 (216)***
Trial date set	142 (236)	126 (150)	146 (137)
Pre or post-program			
Pre-program	142 (196)***	114 (138)***	111 (129)
Post-program	106 (326)	75 (290)	98 (228)
Number of cases	513	423	357

Notes: These are pre- and post-program data for the enhanced prosecution sites. The total number of cases for each site is in the bottom row; the precise numbers vary by factor because of missing values.

* p is from .05 to < .10; ** p<.05; ***p<.01.

The factors affecting the number of days to process cases in Ottawa, London and Hamilton are presented in Tables 6.14 to 6.16. The factors were added in three blocks. First, the legal and situational variables that were associated with court processing time at the bivariate level were included; the second block or step added trial date cases in order to determine the extent to which the model had greater predictive power with this factor added; the third step added the time period, whether the case occurred before or after the Project began. The final step was added to see if the time period affected the length of the court process when the case characteristics in the first two steps were controlled.

1. Ottawa

In Ottawa, the length of the court process decreased by 25 percent in the post-program period, from an average of 142 days pre-Project to 106 days after the start-up of the DVC Project. The case characteristics included in the analysis were: a history of prior convictions; the age of the accused; an administration of justice charge; accused released at a bail hearing or never detained (no/yes); whether the victim sought medical attention (no/yes); whether a trial date was set; and whether the case was pre- or post-program. Offence history and administration of justice charges were included because preliminary analysis showed that they might have some effect on processing time. Whether there was a photograph of victim injuries was excluded because this factor was highly correlated with whether the victim had sought medical attention for his/her injuries.

In Ottawa, if there was an administration of justice charge in the case, such as a bail or probation violation, the process took longer (Table 6.14). Whether the accused was detained had the most effect on processing time: if the accused was not detained during the court process, the process required many more days than if the accused was held during the court process. If the victim sought medical attention – an indicator of seriousness of the offence – the process also took more time.

When whether a trial date was set was introduced, the adjusted r square value increased from 15 to 20 percent; this indicates that trial dates increased (by about 5 percent) the predictive power of the case characteristics in the table. In the final step, when we identify if the case was in the pre- or post-program sample, the amount of variance explained (the adjusted r square value) increased by 3 percent. There was a negative relationship to the number of days from the first to final hearing, which means that cases dealt with in 1998 and 1999 take less time than do those in 1997. That is, even when other case characteristics were "controlled for" in Ottawa, there was a significant decrease in processing times in that court. This change is very probably due to the start-up of the Domestic Violence Court Project – respondents could not suggest any other factors that could be responsible for the change. Other than the establishment of a specialized court and the appointment of two Assistant Crown attorneys to work on the Project, there were no other known changes that could account for the reduction in case processing times.

Table 6.14 Factors Affecting the Number of Days from First to Last Hearing, Ottawa

Independent variables:	First step			Second step			Third step		
	B (s.e.)	t	Sign.	B (s.e.)	t	Sign.	B (s.e.)	t	Sign.
Legal and situational factors									
Accused have any prior convictions?	14.7 (6.8)	2.14	.04	13.0 (6.7)	1.95	.06	11.2 (6.6)	1.71	.09
Age of the accused	-0.8 (.31)	-2.55	.02	-0.7 (.31)	-2.22	.03	-0.6 (.30)	-1.84	.07
Any administration of justice charge?	20.9 (8.9)	2.36	.02	25.6 (8.7)	2.95	.003	27.4 (8.5)	3.22	.001
Accused released at bail hearing/never detained	105.1 (11.8)	9.00	.001	96.4 (11.6)	8.28	.001	92.0 (11.5)	8.03	.001
Victim sought medical attention?	33.1 (10.0)	3.31	.001	33.5 (9.7)	3.44	.001	34.8 (9.6)	3.64	.001
Trial dates									
A trial date set?				33.3 (6.5)	5.11	.001	31.9 (6.4)	4.99	.001
Pre- or post-program									
Post-program?							-29.0 (6.4)	-4.47	.001
Step statistics									
r square	.16			.21			.24		
adjusted r square	.15			.20			.23		
F value	18.01			20.16			20.83		
Significance	<.001			<.001			<.001		

Notes: There are 472 cases in this multivariate regression analysis.

2. London

The London court showed a decrease of 34 percent in the number of days to process domestic violence cases after the Project began. In addition to trial dates and whether the case was pre- or post-Project, the factors included in this analysis were: whether the accused had a history of *Criminal Code* convictions; the age of the accused; whether there was a very serious charge such as assault causing bodily harm among the current charges; and, whether the accused had been detained during the court process. As in Ottawa, we included prior record in the analysis because preliminary analysis found that it was related to processing time (albeit not at the two-way level).

Three legal factors increased the length of the court process in London: having a prior record; the presence of very serious charges; and not being detained by the court. As was found in Ottawa, the age of the accused also affects processing times: the older the

accused, the shorter the court process. When trial date was added in step two, the amount of variance explained increases from 20 to 30 percent. Clearly, if the accused requests a trial date, the process takes longer and, after including trial dates, these legal and situational factors were better predictors of the processing time. When the pre/post program variable was added in step three, the adjusted r square rose by only 2 percent, from 30 to 32 percent. That is, the predictive power of all factors in the table increased but only by a relatively small amount: trial dates had more effect on the number of days in the system than did whether the case was pre- or post-Project.

Table 6.15 Factors Affecting the Number of Days from First to Last Hearing, London

Independent variables:	First step			Second step			Third step		
	B (s.e.)	t	Sign.	B (s.e.)	t	Sign.	B (s.e.)	t	Sign.
Legal and situational factors									
Accused have any prior convictions?	23.5 (7.9)	2.98	.003	21.2 (7.4)	2.87	.004	19.6 (7.3)	2.69	.007
Age of the accused	-1.7 (.39)	-4.47	.001	-1.7 (.36)	-4.76	.001	-1.6 (.6)	-4.53	.001
Any very serious charge?	53.2 (14.0)	3.80	.001	53.4 (13.1)	4.07	.001	50.5 (12.9)	3.91	.001
Accused released at bail hearing/never detained	87.9 (9.9)	8.85	.001	80.2 (9.4)	8.57	.001	75.3 (12.9)	9.31	.001
Trial dates									
A trial date set?				53.7 (7.0)	7.68	.001	53.6 (6.9)	7.78	.001
Pre- or post-program									
Post-program?							-26.0 (7.1)	-3.66	.001
Step statistics									
r square	.21			.31			.33		
adjusted r square	.20			.30			.32		
F value	26.52			36.02			33.15		
Significance	<.001			<.001			<.001		

Note: There are 414 cases in the multiple regression analysis.

Therefore, in London, there was a statistically significant decrease in the length of the process after the Project began, even when the other case characteristics in Table 6.15 were taken into consideration. There are three possible explanations for this reduction, explanations that may not be mutually exclusive.

1. One is that the length of the court process decreased for all cases because of a concerted attempt to improve case management in the London court.
2. The second is that, because of the Domestic Violence Courts Project, domestic cases were "fast tracked" to reduce the number of days in the process.

3. Thirdly, two Assistant Crown attorneys were added to the London court in this period. Their availability may have speeded up case processing.

3. Hamilton

In contrast to the other coordinated prosecution courts, there was no change pre- and post-program in the length of time to process domestic violence cases in Hamilton. When processing times were examined by whether there was a trial date set, there was a reduction in the number of days to process guilty plea cases and an increase in processing times for trial date cases (Table 5.29). As noted in the introduction to this section, the evaluation questions then become "can the changes in processing times for guilty plea and trial date cases be attributed to the start-up of the DVC Project, or are they accounted for by other case characteristics?" Table 6.16 presents the findings for guilty plea cases, and Table 6.17 presents those for cases where a trial date was set.

After the Project began in Hamilton, the average number of days to process guilty pleas dropped from 91 to 68 days, a difference of -25 percent. The analysis indicated that the time period – that is, whether the case occurred pre- or post-Project – did not affect the number of days required to process guilty pleas (Table 6.16). The pre-/post-program variable in step two was not statistically significant and the adjusted r square rose minutely in step two, from 18 to 19 percent. This can be interpreted as meaning that, despite the drop in processing days for guilty pleas after the Project began, changes in factors other than the Project were probably responsible.

Table 6.16 Factors Affecting the Number of Days from First to Last Hearing, Guilty Plea Cases in Hamilton

Independent variables:	First step			Second step		
	B (s.e.)	t	Sign.	B (s.e.)	t	Sign.
Legal and situational factors						
Accused have any prior convictions?	18.7 (9.6)	1.96	.06	17.9 (9.5)	1.87	.07
Age of the accused	-.87 (.37)	-2.37	.02	-.84 (.36)	-2.31	.03
Any very serious charge?	31.9 (13.3)	2.40	.02	30.6 (13.3)	2.30	.03
Accused released at bail hearing/never detained	67.4 (10.9)	6.18	.001	65.7 (10.9)	6.01	.001
Accused drinking heavily?	-20.8 (9.8)	-2.13	.04	-20.2 (9.7)	-2.07	.04
Pre- or post-program						
Post-program?				-14.4	-1.54	n.s.

			(9.3)		
Step statistics					
r square	.20		.21		
adjusted r square	.18		.19		
F value	10.54		9.24		
Significance	<.001		<.001		

Note: There are 214 guilty plea cases in the multiple regression analysis.

The cases that were set for trial in Hamilton had processing times of 130 days on average in the pre-Project year, compared to 159 days in 1998 to the first half of the 1999; this was an increase of 22 percent. As expected given the way that trial dates are scheduled, the main factor that affected the length of the process was whether the accused was detained (Table 6.17). When the pre-/post-program variable was introduced, it has an independent effect on the length of the court process, suggesting that there was a significant increase post-program in processing times for cases where a trial date was set even when controlling for other changes. Whether this increase in processing time is a direct result of the Project is uncertain. There have been suggestions that the specialized court has experienced some scheduling difficulties for trials, but not all agree with this possibility. Another factor may be that the Crown's Office was under-staffed for a lengthy period during 1998 and 1999.

Table 6.17 Factors Affecting the Number of Days from First to Last Hearing, Trial Date Cases in Hamilton

Independent variables:	First step			Second step		
	B (s.e.)	t	Sign.	B (s.e.)	t	Sign.
Legal and situational factors						
Accused have any prior convictions?	-5.4 (10.3)	-0.52	n.s.	-3.2 (10.1)	-0.32	n.s.
Any very serious charge?	30.4 (17.0)	1.78	.08	34.0 (16.7)	2.03	.05
Accused released at bail hearing/never detained	85.4 (16.8)	5.01	.001	81.1 (16.4)	4.93	.001
Accused drinking heavily?	-18.7 (13.8)	-1.36	n.s.	-21.8 (13.5)	-1.62	n.s.
Pre- or post-program						
Post-program?				26.3 (9.9)	2.67	.009
Step statistics						
r square	.20		.24			
adjusted r square	.17		.21			
F value	7.98		8.11			
Significance	<.001		<.001			

Note: There are 133 trial date cases in the multiple regression analysis.

4. Summary

This analysis found that pre-trial detention of the accused and trial dates most affected the length of the court process, even when other case characteristics were held constant.

The reduction in the number of days from first to last hearing after the Project began, found at the bivariate level in Ottawa and London, was maintained when other case characteristics were included in the analysis. These changes may be due to the start-up of the Domestic Violence Courts. The addition of two Assistant Crown attorneys, which was a component of the Project in the coordinated prosecution sites, may have assisted in reducing processing times. In Ottawa, instituting a dedicated court three days per week and the commitment of the bench to encouraging speedier processing were clearly important factors in the reduction in delay in that court. In London, where no dedicated court was established, the commitment of the bench to improve case processing times was probably influential in the reduction.

In Hamilton, there was a decrease in the time to process guilty pleas and an increase for trial date cases after the Project began. The reduction in time to process guilty plea cases was attributable to changes in case characteristics and not to the Project per se. The increase in the time required to process trial date cases was not explained by changes in case characteristics pre- versus post-Project. This finding suggests that cases set for trial in Hamilton took longer, perhaps as a result of the start-up of the DVC Project and the dedicated court associated with the Project. Another possible factor that contributed to longer processing times for trial date cases was that the Crown's Office experienced staff shortages in the post-Project year.

Factors Affecting the Sentence

In this section the interest is in determining what case characteristics affected the sentences imposed on domestic violence offenders and to what extent the coordinated prosecution sites differed in terms of these factors. Sentences were categorized as absolute and conditional discharges; suspended sentences, fines, and conditional sentences; and, jail (both intermittent and other).

In all three locations, the existence of a history of offending and pre-trial detention were very strongly associated with the sanction imposed by the court; offenders with prior convictions and those who were not released during their court process received more serious sentences (Table 6.18). The relationships of other case characteristics to the seriousness of the sentence varied by site. For example, Ottawa cases where there was a very serious charge received more serious sentences; the non-significant findings in London and Hamilton may well be related to the small numbers of very serious charges in those court locations. The presence of injuries to the victim apparently increased sentence seriousness in Ottawa and London. In Ottawa and Hamilton, if the accused had a trial date set but was found guilty, he (or she) was likely to receive a more serious sentence. The time period, pre- or post-program, did not affect the seriousness of the sentence in any site.

Table 6.18 Factors Affecting the Sentence in the Coordinated Prosecution Sites, by Site

	Ottawa (N = 261)			London (N = 292)			Hamilton (N = 207)		
	B (s.e.)	t	Sign.	B (s.e.)	t	Sign.	B (s.e.)	t	Sign.
Any prior convictions?	.66 (.07)	10.12	.001	.39 (.06)	6.97	.001	.63 (.07)	8.44	.001
Any very serious charges?	.36 (.10)	3.55	.001	-.16 (.10)	-1.59	n.s.	.20 (.11)	1.81	.08
Any administration of justice charges?	.32 (.09)	3.57	.001	.13 (.09)	1.49	n.s.	.20 (.09)	2.20	.03
Number of current charges	.06 (.03)	2.17	.04	.10 (.03)	3.14	.003	.01 (.03)	1.90	.06
Age of the accused	-.01 (.003)	-2.11	.04	.00 (.003)	0.18	n.s.	-.00 (.003)	-1.42	n.s.
Any victim injuries?	.17 (.06)	2.71	.008	.16 (.05)	2.98	.004	-.00 (.07)	-.33	n.s.
Accused released at bail hearing/never detained?	-.66 (.12)	-5.52	.001	-.61 (.07)	-8.37	.001	-.70 (.10)	-7.17	.001
A trial date set?	.20 (.06)	3.07	.002	.01 (.05)	0.16	n.s.	.26 (.07)	3.72	.001
Post-program?	-.10 (.07)	-1.52	n.s.	-.02 (.07)	-.28	n.s.	-.01 (.07)	-1.17	n.s.
r square	.57			.44			.56		
adjusted r square	.55			.43			.54		
F value	36.61			25.01			28.48		
Significance	<.001			<.001			<.001		

Summary

Chapter 6 presented the findings from multivariate analyses of the case characteristics that affect five areas of court processing of domestic violence offences: the willingness of the domestic violence victim to testify; the likelihood that the accused will request a trial date, including the effects of the availability of the enhanced prosecution tools on that decision; the likelihood that the accused will be found guilty; the length of the court process in terms of days from first to final hearing; and the sentences imposed on domestic violence offenders. Multivariate analysis differs from the analyses in most of the rest of this report in that this statistical technique assesses the contribution of all factors simultaneously. This approach means that we can determine if the factors related to these topics at a two-way level remain influential when other case characteristics were taken into consideration.

First, the victim's willingness to cooperate with the court process was affected by the nature of the couple's relationship – those in estranged relationships and those in the relationship for less than six months were more willing to cooperate. The presence of a child or children under 18 during the incident increased the likelihood that the victim will be willing to cooperate. If the case involved three or more charges, victims were more willing to testify.

The second analysis found that trial date cases were greatly influenced by the victim's willingness to testify, by the nature of the relationship between the victim and the accused, by pre-trial detention, and by the sobriety of the accused. These factors predicted the accused requests for a trial date in the following ways. Willing victims reduced the likelihood of a trial date; accused that lived with their victims and children were less likely to request a trial date; accused that were detained throughout the court process were less likely to request a trial date; and, accused who were drinking heavily at the time of the incident had a lower likelihood of having a trial date. By far the most important factor in influencing trial dates was the victim's willingness to proceed with the matter.

The second section also looked at the role played by the enhanced evidence in trial date cases. The major finding from this analysis was that, in Ottawa, videotaped victim statements decreases the likelihood of a trial date. The number of videotaped statements in the other two Project locations was too small to incorporate into the analysis. Audiotapes of 911 calls, records of the victim's medical treatment, photographs of victim injuries, and multiple witness statements did not affect trial dates when other factors were controlled. A possible explanation for these findings is that the numbers of cases with these types of evidence were small, except for 911 tapes in Ottawa. Paradoxically, the apparent ineffectiveness of the availability of a 911 tape in affecting trial dates may be related to the high frequency of its availability in Ottawa. Many of the calls for police assistance may not support the Crown's case to any great degree; another possibility is that, as was suggested by an Ottawa respondent, defence counsel tend not to listen to the tapes, even though they were routinely made available to them.

In the third section, the factors affecting the case outcome – whether the accused was found guilty on any of the current charges – were described. The willingness of the victim to participate in the prosecution was found to be very influential in that cases with willing victims were much more likely to end in the accused being found guilty. The second analysis in this section found that the presence of videotaped victim statements and multiple witness statements predicted that the accused would be found guilty. The evidence with regard to the influence of victim photographs was more ambiguous; in one of the two sites where this factor could be included, such photographs marginally predicted that the accused would be found guilty. As was found for trial date cases, an audiotape of a 911 emergency call did not apparently affect the case outcome. This finding is at odds with the perceptions of many Crown attorneys who are convinced that the availability of this evidence is often very influential in determining findings of guilt.

In two of the three coordinated prosecution sites, the number of days from first to final hearing decreased significantly after the start-up of the Project. The fourth analysis determined that these reductions were, in fact, "real" changes that could not be accounted for by other case characteristics. It is probable that, in Ottawa, the specialized court played some role in the decrease in processing times. In London, the situation is not as clear. It may be that other factors in the court environment, such as the commitment of the bench to reduce processing times, were more influential in the post-Project change than was the implementation of the Domestic Violence Court in that community.

In Hamilton, the decrease in processing times for guilty plea cases cannot be attributed to the Project. However, it is possible that the increase in the number of days for the processing of trial date cases was due to the Project. The evidence is not conclusive on this point, because environmental and organizational considerations, such as staff shortages in the Crown's Office, may be contributing or explanatory factors.

The factors that most consistently affected sentence seriousness were the prior record of the accused and whether the accused was detained throughout the court process. This last analysis – on the factors that affect the seriousness of the sentence with sentences divided into the three categories of discharges, suspended sentences/fines/conditional sentences, and jail – found that the seriousness of the sentence did not change in the post-Project period in any of the three sites. An interesting finding is that different factors had different effects on the seriousness of the sentence, depending on the court location. For example, trial date cases that resulted in a guilty finding increased the seriousness of the sentence in Ottawa and Hamilton, but not in London. These findings suggest that there may be a "local legal culture" that affects the practices of the courts.

CHAPTER 7: VICTIM EXPERIENCES AND PERSPECTIVES

The purposes of conducting victim interviews were to obtain victims' experience with the police and court process, and to determine whether they were satisfied with their treatment by the criminal justice officials with whom they had contact. To many victim advocates and victim services personnel, the attitude of domestic violence victims towards the criminal justice system is one indicator of the success of programs such as the Domestic Violence Courts Project. Indeed, an objective of the Project is to provide better support to victims, and one way to determine this is to ask victims about their experiences. Of course, it is not expected that the system has the ability to satisfy all victims, particularly when the victim is dissatisfied with the outcome of the case (e.g., the victim wanted the charges withdrawn or wanted the offender to receive a jail term).

The views of victims towards their experiences with the police and courts are difficult to obtain by researchers because of the necessity of obtaining their consent for interviews and, even with consent, difficulties in contacting them at a safe and appropriate time. In spite of these obstacles, this evaluation interviewed 261 victims from Project courts and 38 victims from comparison sites. In some sites, these samples were not representative of all victims of domestic violence whose cases go to court: they under-represent persons who stay with their partners and over-represent victims who had contact with VWAP and Crown attorneys and whose case went to trial.² This means that some findings in this section cannot necessarily be extrapolated to *all* domestic violence victims in the Project or comparison sites.

Respondent Relationship with the Accused

The relationship status of the victims at the time of the interview is shown in Table 7.1. This information provides a context to much of the analysis that follows. Not surprisingly, there were differences among the court types with regard to relationship status; respondents from the early intervention sites were more likely to be in a relationship with the offender than were respondents from the coordinated prosecution sites (56 percent versus 17 percent). In comparison to the coordinated prosecution victims, more of the respondents from the comparison group remained in a relationship with the accused (37 percent).

There were differences among the communities in the proportion of respondents who stayed in a relationship with the accused. Respondents from Peel were more likely to be in a relationship with the accused than those in any other location, with 70 percent either living with or seeing the accused. In contrast, only 14 percent of the respondents in Ottawa remained in a relationship with the accused; this was significantly fewer than other communities. Some of the data in Table 7.1, when compared to that in Table 8.8 in the

² In the coordinated prosecution and comparison sites.

next chapter, point to the conclusion that the victim samples may be relatively representative of all victims in some sites but not others:

1. In Peel just over 70 percent of the victims reported that they were still in a relationship with the offender. According to information from the abusive men's programs in Table 8.8, 85 percent of the offenders were in a relationship with their victims when they completed the program. This relatively small difference suggests that the victim sample may be roughly representative in Peel.
2. Just over one-half of Durham offenders were in an intimate relationship with their victim at program conclusion while 44 percent of victim respondents in Durham had remained with their partner.
3. In Ottawa only 14 percent of respondents were with their partner. According to data from the abusive men's program in that site, 46 percent of offenders were in an intimate relationship with their victims.
4. Almost one-quarter of London victims were living with or still seeing their abuser, compared to about three-quarters of offenders for whom this information was known.
5. About one-quarter of Hamilton victims were living with the accused, which was quite similar to the percentage found for offenders (although the numbers were very small).

In Ottawa and London, these differences could be due to the bias introduced by refusals – that is, persons who remained with their partner may have refused to be interviewed. In Peel, Durham, and Hamilton, the percentages were similar, indicating that our victim interview samples may be roughly representative of all victims on this factor.

Table 7.1 Respondent-Accused Relationship Status at the Time of Interview

Status of relationship ^{1, 2}	Early intervention sites		Coordinated prosecution sites			Comparison sites
	Peel	Durham	Ottawa	London	Hamilton	Barrie & Kingston
Not together	9.5 4	28.9 13	80.9 93	69.7 23	68.4 13	61.1 22
Not together but may reconcile	19.0 8	26.7 12	5.2 6	6.1 2	5.3 1	0
Seeing each other	4.8 2	8.9 4	5.2 6	3.0 1	0	2.8 1
Living together	66.7 28	35.6 16	8.7 10	21.2 7	26.3 5	36.1 13
Total percent	100.0	100.1	100.0	100.0	100.0	100.0
Number	42	45	115	35	19	38

¹ chi-square = 45.16, df = 2, $p < .01$; for courts; with “not together and may reconcile” combined to form “not in relationship” group, and “seeing each other” and “living together” combined to form “in relationship” group.

² chi-square = 58.08, df = 5, $p < .01$; for communities; with regrouping as above.

Respondent Experiences with the Police

The victims interviewed were asked if they felt that they had been dealt with fairly by the police. The responses, by site, are shown in Table 7.2. The proportion of respondents who said they had been dealt with fairly was similar across the Project sites – 68 percent in the coordinated prosecution and 70 percent in the early intervention sites. Only 58 percent of the victims in the comparison group reported they were satisfied with their treatment by police but the difference was not statistically significant. The most frequently stated reasons for feeling treated unfairly was that the police officer sided with the accused or treated the incident casually (39 percent response rate) and that charges were laid against the respondents' wishes (26 percent response rate).

Table 7.2 Respondent Satisfaction with Police

	Early intervention sites		Coordinated prosecution sites			Comparison sites
Treated fairly by police?	Peel	Durham	Ottawa	London	Hamilton	Barrie & Kingston
Yes	67.4 29	72.3 34	67.5 79	65.7 23	78.9 15	57.9 22
No	11.6 5	19.1 9	14.5 17	20.0 7	15.8 3	28.9 11
Mixed	20.9 9	8.5 4	17.9 21	14.3 5	5.3 1	13.2 5
Total percent	99.9	99.9	99.9	100.0	100.0	100.0
Number	43	47	117	35	19	38
Reasons not treated fairly	N=14	N=13	N=38	N=12	N=4	N=16
Officer sided with accused; treated matter casually	21.4 3	38.5 5	52.6 20	16.7 2	75.0 3	31.2 5
Charges laid against victim's wishes	35.7 5	46.2 6	15.8 6	16.7 2	25.0 1	31.2 5
Didn't collect evidence, place any conditions	0	7.7 1	2.6 1	16.7 2	0	12.5 2
Didn't give enough information on bail conditions	7.1 1	15.4 2	5.3 2	16.7 2	0	0
Didn't respond to calls for information, harassment	0	7.7 1	23.7 9	16.7 2	0	12.5 2
Police report: incorrect, misinformation	28.6 4	0	10.5 4	8.3 1	0	18.8 3
Inappropriate sexist/racist comments; insensitive	7.1 1	0	7.9 3	8.3 1	0	6.2 1

The following comments provide insight on why some victims were not satisfied with how they were treated, while others were satisfied with police actions.

- “The police were okay when I called about the assault, but before [in an earlier call for service] I had told them this was going to happen and they told me ‘you look like you can defend yourself’, because I am big.”
- “The police asked me if I felt safe and if they could allow him back home. I said yes but I didn’t really feel safe, I was just concerned because he had no place to go.”
- “They threatened to take me and my two children to jail if we didn’t make statements because they had been called to the house before.”
- “I filed a report and waited three weeks before it was investigated. It wasn’t until I called 911 and was in immediate danger that he was charged. Even though there is a non-association order he approached me in the mall. I went to the police about it and nothing was done. I left a message and they never called me back. He harasses me all the time but when he is questioned by the police, he turns it around and says I am harassing him and the police believe him. He pled guilty and he has a two-year non-association order, but he followed me to the movies and drives by my house all the time. I called the police two weeks ago and haven’t heard back from them. One officer told me he’d have to do this 50 times before he’d go to jail. He vandalizes my dad’s car and my boyfriend’s car and nothing is done. I tracked 29 calls from him in one hour; I called the police and they warned him to stop calling but nothing stopped.”
- “The detective was great; he was the only one who kept me informed. He sat with me in the courtroom and told me to call if I ever had any problems again.”
- “I was expecting to file a report and then wait for the next situation. This was not the first time they had been called, so I was really shocked when they laid charges. They also charged her with breaches twice.” [a male victim]

When willingness to call the police again was examined by Project type, it was found that respondents from the coordinated prosecution sites were marginally more likely to call the police again in any circumstances (87 percent) compared to the early intervention (72 percent) and the comparison respondents (76 percent). Willingness to call the police was associated with whether or not the victim was satisfied with how they had been treated by the police, with satisfied victims being more willing to call the police again.³ Of the 44 respondents who said they would not call the police again, or were unsure if they would call, 43 percent said the reason was that the entire process had been too difficult either emotionally (particularly being separated from their partner or having the children separated from a parent) or financially, as the cost of maintaining two residences caused considerable strain. The data are shown in Table 7.3.

³ $r = .26, p < .01$.

Table 7.3 Respondents' Willingness to Call Police

	Early intervention sites		Coordinated prosecution sites			Comparison sites
Would victim call police again? ¹	Peel	Durham	Ottawa	London	Hamilton	Barrie & Kingston
Yes, in any circumstance	69.8 30	74.5 35	89.7 105	80.0 28	84.2 16	76.3 29
Yes, if serious	9.3 4	2.1 1	1.7 2	2.8 1	5.3 1	7.9 3
No	11.6 5	17.0 8	4.3 5	5.7 2	5.3 1	13.2 5
Unsure	9.3 4	6.4 3	4.3 5	11.4 4	5.3 1	2.6 1
Total percent	100.0	100.0	100.0	99.9	100.1	100.0
Number	43	47	117	35	19	38
Reason why the respondent would not call police again						
Not helpful, system let me down	0	9.1 1	70.0 7	33.3 2	50.0 1	66.7 4
Did not want charges laid	33.3 3	0	10.0 1	0	0	16.7 1
Has been too hard financially/emotionally	44.4 4	90.9 10	10.0 1	16.7 1	50.0 1	16.7 1
Other/unknown reason	22.2 2	0	10.0 1	50.0 3	0	0
Total percent	99.9	100.0	100.0	100.0	100.0	100.1
Number	9	11	10	6	2	6

¹ chi-square = 10.10, df = 4, p < .05; for court types, with responses of 'unsure' reclassified as "Yes, if serious".

Detention by Police and Judicial Interim Release

To many victims, the most salient aspect of their contact with police was whether and how the accused was removed from the location of the incident, usually the home of the accused and/or the victim. Table 7.4 shows that, according to the victim interviews, in the majority of Project cases (85 percent) the accused was either removed from the home, or held in custody. This finding is consistent with the file data on pre-trial detention. The likelihood of this occurring was not different among either the individual communities or the court model types; the accused was removed from home or held in custody in 75 to 95 percent of the cases depending on the site.

There were no statistically significant differences among either the communities or the models (i.e., early intervention versus coordinated prosecution) with regard to whether the respondent was informed about the accused's release or conditions of release. In total, 80 percent of the respondents were so informed. Similarly, there were no differences when *the timing* of provision of release information was examined – fully 91 percent of the respondents who had been told of the release and who could report when the information had been provided, were informed the day of the release, or were informed of the likely release date at the time of the incident. This information was not available from file data. These figures indicate that most victims received relatively timely information on the accused's release from custody.

Illustrative of site differences in the respondent-accused relationship, victims from the early intervention sites were much more likely to want the accused released compared to the respondents from the coordinated prosecution and comparison sites (73 percent versus 40 and 37 percent, respectively). Although respondents in Ottawa and Hamilton were slightly more likely (43 percent and 42 percent, respectively) to want the accused to be released than were victims from London (31 percent), the differences were not significant (bottom panel, Table 7.4).

Table 7.4 Accused Removed from Home by Police

Accused removed/held?	Early intervention sites		Coordinated prosecution sites			Comparison sites
	Peel	Durham	Ottawa	London	Hamilton	Barrie & Kingston
Yes	93.0 40	74.5 35	83.8 98	88.6 31	94.7 18	84.2 32
No	4.7 2	23.4 11	14.5 17	11.4 4	5.3 1	7.9 3
Other/not known	2.3 1	2.1 1	1.7 2	0	0	7.9 3
Total percent	100.0	100.0	100.0	100.0	100.0	100.0
Number	43	47	117	35	19	38

Respondent told of release or conditions?						
No	16.3 7	17.0 8	24.0 28	14.3 5	5.6 1	17.1 6
Told possible day of release	32.6 14	34.0 16	25.6 30	31.4 11	33.3 6	34.3 12
Told more than 1 day after release	4.7 2	4.3 2	2.6 3	2.9 1	0	2.8 1
Told, unknown when	11.6 5	10.6 5	20.5 24	25.7 9	38.9 7	20.0 7
Victim called or victim services told of release	25.6 11	8.5 4	8.5 10	14.3 5	5.6 1	8.6 3
Not held, told of conditions	7.0 3	12.8 6	11.1 13	2.9 1	0	11.4 4
Not known/not held/no conditions/not released	2.3 1	12.8 6	7.7 9	8.6 3	16.7 3	5.7 2
Total percent	100.1	100.0	100.0	100.1	100.1	99.9
Number	43	47	117	35	18	35
Did victim want accused released?¹						
Yes	86.0 37	61.7 29	42.7 50	31.4 11	42.1 8	36.8 14
No	4.7 2	6.4 3	28.2 33	40.0 14	47.4 9	31.6 12
Undecided	2.3 1	4.3 2	9.4 11	11.4 4	5.3 1	10.5 4
Not known/not held	7.0 3	27.7 13	19.6 23	17.2 6	5.3 1	21.1 8
Total percent	100.0	100.1	99.9	100.0	100.1	100.0
Number	43	47	117	35	19	38

¹ chi-square = 29.43, df = 2, p < .01; for court types.

Table 7.5 Conditions of Release on Bail

	Early intervention sites		Coordinated prosecution sites			Comparison sites
Court order for no contact?	Peel	Durham	Ottawa	London	Hamilton	Barrie & Kingston
Yes	95.3 41	93.6 44	96.4 108	97.0 32	84.2 16	91.7
No	4.7 2	6.4 3	3.6 4	3.0 1	15.8 3	8.3
Total percent	100.0	100.0	100.0	100.0	100.0	100.0
Number	43	47	112	33	19	36

Did victim want order changed to eliminate the non-association condition? ¹						
Yes	85.0 34	81.8 36	26.7 28	34.4 11	43.8 7	37.5 12
No	15.0 6	18.2 8	73.3 77	65.6 21	56.3 9	62.5 20
Total percent	99.9	100.0	100.0	100.0	100.1	100.0
Number	40	44	105	32	16	32
Was the non-association condition removed? ²						
Yes	70.7 29	61.5 24	10.8 11	21.9 7	25.0 4	10.3 3
No	29.3 12	38.5 15	88.2 91	78.1 25	75.0 12	89.7 26
Total percent	100.0	100.0	100.0	100.0	100.0	100.0
Number	41	39	102	32	16	29
Reason why the condition was removed						
Accused in domestic violence treatment	96.6 28	75.0 18	9.1 1	28.6 2	25.0 1	0
Child care, illness	3.4 1	8.3 2	18.2 2	0	0	33.3 1
Financial, business reasons	0	4.2 1	9.1 1	14.3 1	25.0 1	66.7 2
Don't know/other	0	12.5 3	63.6 7	57.1 4	50.0 2	0
Total percent	100.0	100.0	100.0	100.0	100.0	100.0
Number	29	24	11	7	4	3

¹ chi-square = 62.20, df = 2, p < .01; for court types.

² chi-square = 68.42, df = 2, p < .01; for court types.

Table 7.5 (panel one, above) shows that in the overwhelming majority of cases the accused was released on condition to refrain from contacting the victim. Indeed, in only 6 percent of all (Project and comparison) cases was there no condition to the accused's release. These findings conform to the file data on Project cases.

Significantly more respondents in the early intervention locations wanted the release conditions changed, while fewer in the coordinated prosecution and comparison sites wanted the orders modified (83 percent, 30 percent, and 38 percent, respectively).⁴ These differences are related to the ongoing nature of the respondent-accused relationship in the early intervention sites.

Because of Project procedures, the accused in the early intervention sites were much more likely to have their release conditions changed (66 percent)⁵ than the accused

⁴ chi-square = 62.20, df=2, p<.01.

⁵ The file data show that, in total, 83 percent of the non-association conditions were removed in Peel and Durham; this discrepancy is probably related to the nature of the interview sample. See Table

in the coordinated prosecution (15 percent) or the comparison sites (10 percent).⁶ The differences in the rates of variation in the coordinated prosecution sites were not statistically significant; the range was from 11 percent in Ottawa to 25 percent in Hamilton.⁷ Variations were relatively consistent with the wishes of respondents, with the exceptions of Durham and the comparison group.

5.14.

⁶ chi-square = 68.42, df=2, p<.01.

⁷ In the file sample, the proportions ranged from 3 percent in London to 13 percent in Ottawa (Table 5.15). In Hamilton, about 10 percent of cases involved the removal of the non-association condition, according to file data.

Videotapes of Victim Interviews

According to the interview findings, victims were infrequently asked by police if they would consent to a videotaped statement (Table 7.6). Because of the small number of police requests, statistical tests of site differences could not be performed. However, police in Ottawa clearly requested video statements more often than in any other location; 15 percent of respondents were asked and all but three persons agreed.⁸ Not surprisingly, given the London Police reluctance to videotape domestic violence victims, only 6 percent of those interviewed (two persons), were asked to make a video statement; one person refused the request.⁹ This victim refused because the incident happened late in the evening, she had no child care, and was unwilling to wake her children to take them to the police station.

In the small study sample, most respondents who had been videotaped did not view their experience in a totally negative light. Of the 18 respondents who made a statement, 39 percent felt uncomfortable or had other negative feelings about doing the tape, while 45 percent commented positively or were not bothered by making the videotape.

Table 7.6 Police Requests for a Videotaped Statement

	Early intervention sites		Coordinated prosecution sites			Comparison sites
	Peel	Durham	Ottawa	London	Hamilton	Barrie & Kingston
Asked to make video statement?						
Yes	7.0 3	0	14.7 17	5.7 2	0	2.6 1
No	93.0 40	100.0 47	85.3 99	94.3 33	100.0 19	97.4 37
Total percent	100.0	100.0	100.0	100.0	100.0	100.0
Number	43	47	116	35	19	38
Was a videotape made?						
Yes	66.7 2		82.4 14	50.0 1		100.0 1
No	33.3 1		17.6 3	50.0 1		0
Total percent	100.0		100.0	100.0		100.0
Number	3	na	17	2	na	1

na = not applicable

⁸ In the file sample, 13 percent of victims provided a videotaped statement. The similarity in the two figures, drawn from different sources, suggests that the victim interview sample in Ottawa may be adequately representative of all victims in Ottawa – at least on some factors.

⁹ These respondents probably live in areas policed by the Ontario Provincial Police, which do videotape domestic violence victims.

The following are quotations from interviews where the respondent provided a videotaped statement:

- "It felt OK."
- "It felt uncomfortable because I did not know what it was for. What bothered me about it being introduced into court is that he (the accused) would see it."
- "It didn't bother me. I was hoping it would be brought into court."
- "It was a little intimidating at first. But the detective was so kind that I told myself to calm down."
- "I thought it was good because you tend to forget things after. But I could not see my children for four and a half hours. I had to get a neighbour to look after them. I would have liked to have had the time to call a family member to come watch them."
- "I was not too comfortable. I wanted to ask questions off the record but I couldn't while being taped. I felt awful, I looked awful. I was away from my five year old daughter, and I was very emotional. I could hold it together on the outside but on the inside I was in turmoil."

Victim Experiences with the Courts

A goal of the Domestic Violence Courts Project is to provide increased support for and early intervention to victims of domestic violence. Both support and intervention have been operationalized, in part, as victim reports of meetings with VWAP staff and/or the Crown, the number of meetings, and the timeliness of such meetings. However, the occurrence of a meeting between the victim and VWAP staff or the Crown cannot be utilized as the sole indicator of improved support and intervention, especially as sample selection has biased our findings. In particular, the over-representation of victims whose partners pleaded not guilty means that VWAP staff and Crown attorneys will have greater contact, even without the existence of a pilot project. Moreover, VWAP staff may have been more likely to request victim consent from those with whom they had good rapport – which often means those with whom they had had most contact. Similarly, victims who had more contact with VWAP staff may be more likely to consent to an interview.

1. Respondent Meetings with VWAP Staff and Crown Attorneys

Probably in part because of the way in which the victim sample was selected, the large majority of respondents were contacted by court personnel.¹⁰ As shown in Table 7.7, approximately 80 percent or more of the Project victims interviewed had been called by either VWAP staff or a Crown attorney before their court case. There were some differences among the sites concerning the likelihood of being contacted. When all Project

Table 7.7 Respondent Contact with Victim/Witness Program Staff and the Crown

	Early intervention sites		Coordinated prosecution sites			Comparison sites
Victim contacted by VWAP, the Crown? ¹	Peel	Durham	Ottawa	London	Hamilton	Barrie & Kingston
Yes	83.7 36	82.2 37	87.7 100	75.8 25	84.2 16	70.3 26
No	0	4.4 2	1.8 2	6.1 2	5.3 1	0
Victim called first	16.3 7	13.3 6	10.5 12	18.2 6	10.6 2	29.7 11
Total percent	100.0	99.9	100.0	100.1	100.1	99.9
Number	43	45	114	33	19	37

¹⁰

With the exception London (where victims were specially telephoned by staff and volunteers to ask for their consent to an interview), victims were asked for their consent during regular contacts with Victim/Witness staff. The "no" responses in Table 7.7 for Durham, Ottawa, and Hamilton probably occurred because of problems of recollection.

Who contacted victim?						
VWAP	97.2 35	97.3 36	87.1 88	88.5 23	100.0 16	100.0 26
Crown	0	0	4.0 4	7.7 2	0	0
Other/don't know	2.8 1	2.8 1	8.9 9	3.8 1	0	0
Total percent	100.0	100.1	100.0	100.0	100.0	100.0
Number	36	37	101	26	16	26

¹ chi-square = 8.17, df = 1, p < .05; comparing comparison group responses to all Project responses (i.e., coordinated prosecution and early intervention responses combined to form Project group), for Yes/No responses only.

locations were combined, respondents from the Project sites were more likely to be proactively contacted than were respondents in the comparison group (84 percent versus 70 percent).¹¹ The bottom panel of Table 7.7 shows that the initial contact was typically made by VWAP staff. Indeed, VWAP personnel were the first to contact the respondent in over nine out of ten of the Project cases and in all of the comparison cases.

Over three-quarters of the persons interviewed had met with a Crown attorney or VWAP staff, although there were differences by court: 74 percent of London cases, compared to 84 percent in Hamilton, 85 percent in Durham, 88 percent in Ottawa, and almost all (98 percent) of the cases in Peel (Table 7.8). Most victims (92 percent) in the comparison group had met with VWAP staff or the Crown. The difference in likelihood of meeting with someone approaches statistical significance when the communities were compared, with respondents in London being somewhat less likely to meet with VWAP staff or the Crown compared to respondents in Peel, Ottawa, and the comparison sites. As already noted, sample selection for victim interviews in London differed from elsewhere; some respondents probably had little or no contact with VWAP or the Crown attorney.

Respondents from Peel were somewhat more likely to meet with VWAP and the Crown, compared to those from Durham. This is in keeping with our knowledge of the way in which the Durham Project has operated; information sessions are often done over the telephone.

¹¹ chi-square = 8.17, df=2, p<.05.

Table 7.8 In-person and Telephone Meetings with Victim/Witness Program Staff and the Crown

	Early intervention sites		Coordinated prosecution sites			Comparison sites
Did victim meet with VWAP, the Crown?	Peel	Durham	Ottawa	London	Hamilton	Barrie & Kingston
Yes	97.7 42	85.1 40	88.0 103	74.3 26	84.2 16	92.1 35
No	2.3 1	14.9 7	12.0 14	25.7 9	15.8 3	7.9 3
Total percent	100.0	100.0	100.0	100.0	100.0	100.0
Number	43	47	117	35	19	38
Victim met with:^{1, 2, 3}						
VWAP	7.1 3	30.0 12	7.8 8	23.1 6	31.3 5	40.0 14
Crown	2.4 1	35.0 14	33.0 34	7.7 2	6.3 1	0
VWAP & Crown	90.5 38	35.0 14	59.2 61	69.2 18	62.5 10	60.0 21
Total percent	100.0	100.0	100.0	100.0	100.1	100.0
Number	42	40	103	26	16	35
Did victim speak to the Crown on telephone? (if no in-person meeting)						
Yes	0 3	15.8 3	4.5 1	14.3 2	0	5.9 1
No	100.0 4	84.2 16	95.5 21	85.7 12	100.0 8	94.1 16
Total percent	100.0	100.0	100.0	100.0	100.0	100.0
Number	4	19	22	14	8	17
Did the victim talk to VWAP on telephone? (if no in-person meeting)						
Yes	50.0 1	100.0 21	68.1 32	63.6 11	100.0 4	100.0 3
No	50.0 1	0	31.9 15	36.4 4	0	0
Total percent	100.0	100.0	100.0	100.0	100.0	100.0
Number	2	21	47	11	4	3
Why didn't victim meet with VWAP or the Crown?						
Didn't feel it was necessary	0 3	60.0 3	33.3 4	25.0 2	33.3 1	0
Couldn't take time off work/no child care	100.0 1	0	41.7 5	12.5 1	66.7 2	50.0 1
Wasn't asked, VWAP/Crown missed appointment	0	40.0 2	25.0 3	2.5 5	0	50.0 1
Total percent	100.0	100.0	100.0	100.0	100.0	100.0
Number	1	5	12	8	3	2

¹ chi-square = 11.65, df = 2, p < .01; for court type; likelihood of meeting only a Crown attorney.

² chi-square = 63.15, df = 10, $p < .01$; for communities; likelihood of meeting only a Crown attorney or only VWAP staff.

³ chi-square = 8.17, df = 1, $p < .05$; for court type; likelihood of meeting a Crown attorney.

Of respondents who had met with someone, most (about three-fifths) had met with both a Crown attorney and VWAP staff. Meetings with only the Crown (and not with VWAP) were infrequent in Project sites (23 percent overall), although they did occur more frequently than in the comparison sites, where no respondent had met with only the Crown. When differences among the communities were examined, meetings with only the Crown were most likely to occur in Durham and Ottawa; meetings with only VWAP staff were more frequent in Durham, Hamilton, and the comparison sites.

Of the respondents who did not meet with VWAP or the Crown, 30 percent reported that they had not been given the opportunity to meet with anyone; in one case, VWAP staff missed two appointments without notice. A further 27 percent of respondents did not feel a meeting was necessary; 27 percent were unable to take time off work or find/pay for child care. Four respondents said that it would be helpful if the VWAP office had extended hours to accommodate persons who were employed.

2. Explanations of the Court Process

Consistent with the high frequency of meetings with VWAP staff, a Crown attorney, or both, 84 percent of the victims interviewed had the court system and procedures explained to them. The sites did not differ in this regard, with 84 percent of the Project sites, and 87 percent of the comparison respondents having had the court process explained (Table 7.9).

Table 7.9 Court Process Explanations

Was court process explained?	Early intervention sites		Coordinated prosecution sites			Comparison sites
	Peel	Durham	Ottawa	London	Hamilton	Barrie & Kingston
Yes	83.7 36	87.2 41	85.5 100	80.0 28	73.7 14	86.8 33
No	16.3 7	12.7 6	12.0 14	17.1 6	26.3 5	13.2 5
Offered, but respondent refused	0	0	2.6 3	2.9 1	0	0
Total percent	100.0	99.9	100.1	100.0	100.0	100.0
Number	43	47	117	35	19	38

Were questions answered clearly?						
Yes	83.7 36	85.1 40	84.6 99	71.4 25	73.7 14	81.6 31
No	14.0 6	12.8 6	14.5 17	20.0 7	21.0 4	13.2 5
Some were and some were not	2.3 1	2.1 1	0.9 1	8.6 3	5.3 1	5.3 2
Total percent	100.0	100.0	100.0	100.0	100.0	100.1
Number	43	47	117	35	19	38

3. Frequency and Timing of Meetings with Crowns and VWAP Staff

Information on the number and timing of meetings held between the Crown attorney(s) and the victims interviewed is presented in Table 7.10. There were differences among the sites in the likelihood of two or more meetings with Crowns. Fewer multiple meetings occurred in Peel (5 percent of the cases) than in any other Project location; multiple meetings are not a feature of the early intervention approach. While more multiple meetings occurred in Ottawa and London (45 percent in both) than in other communities, the difference was statistically significant only between Ottawa and London combined and the comparison sites. There were more multiple meetings in the coordinated prosecution than in the early intervention and comparison sites (44 percent versus 14 and 15 percent).

The higher frequency of multiple meetings with Crown attorneys in the coordinated prosecution compared to the early intervention sites conforms to the expectations of the DVC Project; in early intervention courts, one meeting is often sufficient to provide the victim with Project and community information, and to discuss safety issues. The fact that more multiple meetings between respondents and Crowns occurred in the coordinated prosecution compared to the comparison sites – even though a high proportion of the respondents from the comparison courts actually testified at trial – indicates a greater level of service to respondents in the Project locations.

The court types differed with regard to timeliness of first meeting between the respondent and the Crown. Significantly more meetings occurred within two weeks of the incident in the early intervention (46 percent) compared to the coordinated prosecution sites (16 percent) and comparison sites (14 percent). Another 40 percent of meetings with the Crown in the early intervention sites took place more than two weeks after the incident, but considerably before the date of the guilty plea. In other words, the large majority of respondents in the early intervention sites had Crown contact much earlier than in most other sites.

Almost one-half of victims in the comparison sites first met with the Crown on the day of the trial or plea. In contrast, only 10 percent of the respondents in coordinated

prosecution sites did so.¹² The high proportion of respondents in Ottawa that met "soon before trial/plea" (46 percent) is the consequence of the VWAP practice of inviting victims to "pre-trial" meetings with the Crown about two weeks before the scheduled hearing date. However, Ottawa respondents have commented that the data on earlier meetings were probably under-estimates, since more victims have "early interviews" with the Crown and VWAP than attend pre-trial sessions.

Table 7.10 Meetings with Crown Attorneys

	Early intervention sites		Coordinated prosecution sites			Comparison sites
Number of times victim met Crown ^{1, 2}	Peel	Durham	Ottawa	London	Hamilton	Barrie & Kingston
1	94.7 36	71.4 20	54.7 52	55.0 11	72.7 8	85.7 18
2	5.3 2	21.4 6	34.7 33	25.0 5	9.1 1	14.3 3
3 or more times	0	7.1 2	10.6 10	20.0 4	27.3 2	0
Total percent	100.0	99.9	100.0	100.0	100.1	100.0
Number	38	28	95	20	11	21
When was first meeting?^{3,4,5,6}						
Within 2 weeks of incident	46.2 18	46.4 13	12.6 12	30.0 6	18.2 2	14.3 3
2 or more weeks after incident	38.5 15	39.3 11	22.1 21	40.0 8	27.3 3	9.5 2
Soon before trial/plea	7.7 3	10.7 3	46.3 44	20.0 4	9.1 1	23.8 5
Day of trial/plea	2.6 1	3.6 1	9.5 9	5.0 1	27.3 3	47.6 10
Other/don't know	5.1 2	0	9.5 9	5.0 1	18.2 2	4.8 1
Total percent	100.1	100.0	100.0	100.0	100.1	100.0
Number	39	28	95	20	11	21
Did victim meet with the Crown assigned to the case?						
Yes	5.1 2	17.8 5	24.2 23	35.0 7	36.4 4	57.1 12
No	17.9 7	17.8 5	31.6 30	20.0 4	18.2 2	9.5 2
Don't know, didn't attend trial/plea	76.9 30	64.3 18	44.2 42	45.0 9	45.4 5	33.3 7
Total percent	99.9	99.9	100.0	100.0	100.0	99.9
Number	39	28	95	20	11	21

¹ chi-square = 25.04, df = 5, p < .01; for communities; likelihood of multiple meetings with Crown attorney.

² chi-square = 14.81, df = 2, p < .01; for court type; likelihood of multiple meetings with Crown attorney.

¹² The "don't knows" are excluded from these percentages; chi-square = 17.83, df = 1, p < .001.

³ chi-square = 19.05, df = 2, $p < .01$; for court type; likelihood of meeting within two weeks of incident.

⁴ chi-square = 21.68, df = 5, $p < .01$; for communities; likelihood of meeting within two weeks of incident.

⁵ chi-square = 36.93, df = 2, $p < .01$; for court type; likelihood of meeting within two weeks of court date.

⁶ chi-square = 45.14, df = 5, $p < .01$; for communities; likelihood of meeting within two weeks of the court date.

Thus, in the early intervention courts, Crowns typically meet with respondents much sooner than in other locations. Although there were variations by Project court, respondents from the coordinated prosecution courts very rarely first met with the Crown on the day of trial or plea. Earlier meetings occurred much more frequently than in the comparison sites. In the latter locations, initial meetings between the Crown attorney and the respondent were more likely to occur on the plea or trial date.

There was also a difference among the sites in terms of the proportion of respondents who had more than one meeting with Victim/Witness staff (Table 7.11). One meeting with VWAP staff was more likely in the early intervention sites (92 percent), than in either the coordinated prosecution (63 percent) or the comparison sites (69 percent). The first meeting with VWAP staff occurred within two weeks of the incident in 37 percent of the early intervention cases, in 25 percent of the coordinated prosecution cases, and in 20 percent of the comparison cases.

The proportion of respondents who first met with VWAP staff within two weeks of the trial/guilty plea date differed by site. Respondents from the coordinated prosecution and comparison courts were more likely to first meet with VWAP staff closer to the trial or guilty plea date. These findings are very similar to the findings for meetings with Crowns because meetings with Crowns and VWAP often take place on the same day and, in Peel, both Crown and VWAP attend the information sessions.

Table 7.11 Meetings with Victim/Witness Program Staff

Number of times victim met VWAP ¹	Early intervention sites		Coordinated prosecution sites			Comparison sites
	Peel	Durham	Ottawa	London	Hamilton	Barrie & Kingston
1	87.8 36	100.0 26	66.7 46	62.5 15	46.7 7	68.6 24
2	12.2 5	0	20.3 14	25.0 6	33.3 5	22.8 8
3 or more times	0	0	13.0 9	12.5 3	20.0 3	8.6 2
Total percent	100.0	100.0	100.0	100.0	100.0	100.0
Number	41	26	69	24	15	35

When was the first meeting with VWAP? ²						
Within 2 weeks of incident	43.9 18	26.9 7	24.6 17	29.2 7	20.0 3	20.0 7
2 or more weeks after incident	39.1 16	46.2 12	24.6 17	33.3 8	20.0 3	22.8 8
Soon before trial/plea	9.8 4	26.9 7	36.2 25	12.5 3	40.0 6	45.7 16
Day of trial/plea	4.9 2	0	10.1 7	20.8 5	13.3 2	2.8 1
Other/don't know	2.4 1	0	4.3 3	4.2 1	6.7 1	8.6 3
Total percent	100.0	100.0	99.8	100.0	100.0	99.9
Number	41	26	69	24	15	35

¹ chi-square = 20.03, df = 2, p < .01; for court type; likelihood of multiple meetings with VWAP.

² chi-square = 14.23, df = 2, p < .01; for court type; likelihood of meeting within two weeks of court date.

4. Respondents' Feelings of Fairness and Support from Crown and VWAP Staff

From 57 to 76 percent of Project victims, depending on the site, said that they had been treated fairly by the Crown attorneys with whom they had contact (Table 7.12). There was no significant difference across the courts in terms of the proportion of respondents who felt they had been treated fairly by the Crown with whom they had met: 65 percent of the respondents from the coordinated prosecution sites; 73 percent from the early intervention sites; and, 71 percent of the comparison respondents reported fair treatment.

The Crown's refusal to drop the charges or remove the non-association condition was the most frequently reported reason for feeling treated unfairly in the early intervention sites, with 60 percent of the Peel respondents and 73 percent of the Durham respondents citing this reason. In contrast, unwillingness to change conditions or drop charges caused dissatisfaction for only 15 percent of the respondents from Ottawa; the most frequent reason for feeling treated unfairly in Ottawa was not having the same Crown throughout the process.

Table 7.12 Respondents' Feelings of Fair Treatment by the Crown Attorney

	Early intervention sites		Coordinated prosecution sites			Comparison sites
Treated fairly by Crown?	Peel	Durham	Ottawa	London	Hamilton	Barrie & Kingston
Yes	76.2 32	70.3 26	64.0 71	72.7 24	57.1 8	70.6 24
No	14.3 6	21.6 8	20.7 23	24.2 8	35.7 5	26.5 9
Mixed	9.5 4	8.1 3	15.3 17	3.0 1	7.1 1	2.9 1
Total percent	100.0	100.0	100.0	99.9	99.9	100.0
Number	42	37	111	33	14	34
Reasons treated unfairly	N=10	N=11	N=40	N=9	N=6	N=10
Didn't really listen to me	20.0 2	27.3 3	17.5 7	0	0	10.0 1
Not enough time for me	0	9.1 1	17.5 7	11.1 1	33.3 2	30.0 3
No opportunity to meet	10.0 1	27.3 3	7.5 3	66.7 6	16.7 1	40.0 4
Switched Crowns	20.0 2	0	30.0 12	11.1 1	0	10.0 1
Wouldn't change conditions/drop charges	60.0 6	72.7 8	15.0 6	0	16.7 1	10.0 1
Didn't keep me informed	20.0 2	0	12.5 5	11.1 1	16.7 1	0
Didn't know case	0	0	25.0 10	0	33.3 2	20.0 2
Acted like case wasn't serious/no conditions	10.0 1	0	10.0 4	0	0	30.0 3
Made deals with defence counsel	0	0	10.0 4	0	0	0
Crown was rude/insensitive	0	9.0 1	12.5 5	11.1 1	33.3 2	10.0 1
Other, no answer	10.0 1	0	5.0 2	11.1 1	0	0

Similarly, there were no differences among the courts in terms of fair treatment by Victim/Witness Program staff; 85 percent or more of all respondents reported being fairly treated (Table 7.13).

Table 7.13 Respondents' Feelings of Fair Treatment by the Victim/Witness Program

	Early intervention sites		Coordinated prosecution sites			Comparison sites
	Peel	Durham	Ottawa	London	Hamilton	Barrie & Kingston
Treated fairly by VWAP?						
Yes	88.1 37	85.4 35	96.0 95	93.5 29	89.5 17	86.5 32
No	7.1 3	4.9 2	4.0 4	6.5 2	5.3 1	10.8 4
Mixed	4.8 2	9.8 4	0	0	5.3 1	2.7 1
Total percent	100.0	100.1	100.0	100.0	100.1	100.0
Number	42	41	99	31	19	37
Reasons treated unfairly	N=5	N=6	N=4	N=2	N=2	N=5
Didn't really listen to me	40.0 2	66.7 4	25.0 1	0	0	20.0 1
Not enough time for me	0	0	50.0 2	0	50.0 1	40.0 2
No opportunity to meet	0	33.3 2	0	100.0 2	50.0 1	0
Didn't keep me informed	40.0 2	0	50.0 2	50.0 1	50.0 1	25.0 1

From an examination of the qualitative responses to these questions, it appears that the Ottawa respondents found it disconcerting to have a different prosecutor from the Crown with whom they had met and therefore expected in court. This in turn leads to complaints that the Crown did not know the case; 25 percent of the respondents stated this as a reason for dissatisfaction. In London the most common reason for feeling unfairly treated by the Crown was the lack of an opportunity to meet (68 percent). This complaint was also made by 40 percent of the comparison group victims. The most common reason for feeling treated unfairly by VWAP staff in the early intervention sites was that the VWAP staff did not really listen to what the victim was saying. Respondents may have resented that they were being told that they were in an abusive relationship, particularly if they were denying or minimizing the incident.

The following excerpts provide examples of both the positive and negative feedback regarding respondent contacts with Crowns and VWAP staff.

- “When I met with the Crown it was very rushed. She only had the information from the police and all she wanted to do was have it verified. I had so much more information to give that would help the case but she was not interested in hearing it.”

- “The victim should have some input into whether we are allowed contact. It was very unfair that the Crown wouldn’t change this. A close relative dies and we couldn’t go to the funeral together. After 31 years of marriage this was the first incident.”
- “I only got to talk to the Crown the day of the trial, she didn’t know anything about my case or about me. He was on the stand for 15 minutes; I was there for a full day. I don’t think I would have had to testify for so long and be put through that if the Crown had more information. I felt like a victim again in court. I would rather be hit than go through that again – I don’t feel safe with the system.”
- “I was scared to death. I would have liked staff to be more available to speak with.”
- “The Crown and VWAP were quite helpful.”
- “The woman from VWAP was good, she gave me more information and time, but we couldn’t talk much about the case and I really needed someone to talk to.”
- “The Crown I met was great; she did a really good job showing he was guilty.”

Despite some complaints, the large majority of victims interviewed for this research felt well supported by criminal justice officials. Over three-quarters of respondents said they had received enough support from VWAP staff (83 percent) and over two-thirds felt adequately supported by the Crown (70 percent). Victims in all courts were similar in terms of the proportions that said they had adequate support from both the Crown and VWAP staff (Table 7.14).

In the early intervention and comparison sites, respondents were most likely to report that the Crown and VWAP did not listen to them. Another frequent comment was that the respondent was unable to discuss particulars of the case. However, this is standard practice, done to prevent VWAP staff from becoming potential witnesses. Victims from the comparison sites also complained that no one called them to provide information or advice. This is consistent with the findings that more comparison respondents initiated the first contact with VWAP or the Crown’s Office and that they were more likely to have their first meeting with the Crown on the date of the trial or plea.

Following is a sampling of some of the comments made during the interviews:

- “This has been going on for six years. If I had this kind of support three years ago who knows if we would have stayed together so long.”
- “I was very impressed with VWAP. I think they should always be there. They relieved a lot of my fears and were very supportive.”
- “I have no complaints. I was treated very nicely and had all the support I needed.”

Table 7.14 Respondents' Feelings of Support from Crowns and the Victim/Witness Program

	Early intervention sites		Coordinated prosecution sites			Comparison sites
Enough support from the Crown?	Peel	Durham	Ottawa	London	Hamilton	Barrie & Kingston
Yes	73.0 27	65.7 23	69.7 76	76.5 26	64.7 11	70.0 21
No	27.0 10	34.3 12	30.3 33	23.5 8	35.3 6	30.0 9
Total percent	100.0	100.0	100.0	100.0	100.0	100.0
Number	37	35	109	34	17	30
Enough support from VWAP?						
Yes	87.2 34	83.7 36	85.4 88	84.4 27	70.6 12	78.9 30
No	12.8 5	16.3 7	14.6 15	15.6 5	29.4 5	21.1 8
Total percent	100.0	100.0	100.0	100.0	100.0	100.0
Number	39	43	103	32	17	38
Reasons why victim felt unsupported	N=13	N=14	N=36	N=8	N=6	N=12
No one in court with victim	0	0	8.3 3	0	16.7 1	16.7 2
No one to listen to victim's side, could not talk about case	30.8 4	35.7 5	19.4 7	0	16.7 1	33.3 4
No opportunity to meet, not enough time	23.1 3	7.1 1	19.4 7	37.5 3	16.7 1	16.7 2
No one called, no advice or information given	23.1 3	21.4 3	25.0 9	25.0 2	33.3 2	41.7 5
Power taken away, could not drop charges or change conditions	7.7 1	28.6 4	13.9 5	0	0	8.3 1
Contact with VWAP, Crown not soon enough	0	0	2.8 1	0	0	8.3 1
Crown was rude or insensitive	15.4 2	7.1 1	8.3 3	0	33.3 2	0
Other, no answer	7.7 1	7.1 1	13.9 5	37.5 3	16.7 1	16.7 2

5. The Provision of Information to Respondents

To many participants, involvement in the police and court process can be a bewildering and at times frustrating experience. The provision of information is believed to be an important way to reduce victim frustration. The Project victims interviewed had similar levels of satisfaction with the information they received from criminal justice officials (police, VWAP, Crowns, and probation officers, for example); 58 percent to 66 percent said that they had received sufficient information on what was happening in the case (Table 7.15). In contrast, 47 percent of the comparison group felt that they had received enough information.¹³

Table 7.15 The Adequacy of Information Received on the Criminal Justice Process

	Early intervention sites		Coordinated prosecution sites			Comparison sites
Did victim receive enough information about case?	Peel	Durham	Ottawa	London	Hamilton	Barrie & Kingston
Yes	62.8 27	66.0 31	59.5 69	62.9 22	57.9 11	47.4 18
No	34.9 15	29.8 14	37.1 43	37.1 13	36.8 7	47.4 18
Mixed	2.3 1	4.3 2	3.4 4	0	0	5.3 2
Total percent	100.0	100.1	100.0	100.0	100.0	100.1
Number	43	47	116	35	18	38
Wanted information on:	N=16	N=16	N=47	N=13	N=7	N=20
Automatic charging	18.8 3	0	4.2 2	0	0	5.0 1
Detention and release of accused	18.8 3	6.2 1	6.4 3	30.8 4	0	20.0 4
How to change conditions	12.5 2	18.8 3	2.1 1	0	0	10.0 2
Copy/explanation of conditions, charges	18.8 3	18.8 3	17.0 8	7.7 1	28.6 2	20.0 4
How to get no contact order/object to release	0	0	2.1 1	0	0	0
Dates & purpose of remands/hearings	31.2 5	18.8 3	38.3 18	30.8 4	57.1 4	45.0 9
What was happening in courtroom	0	6.2 1	10.6 5	0	0	15.0 3
Typical sentence, what Crown was asking for	0	0	6.4 3	0	28.6 2	15.0 3

¹³ This difference is not statistically significant.

Case outcome, deals, new charges, appeals	18.8 3	18.8 3	36.2 17	7.7 1	14.3 1	15.0 3
Existence of VWAP, victim services	0	0	0	0	0	10.0 2
Other, unspecified, or general information	43.8 7	37.5 6	10.6 5	38.5 5	28.6 2	25.0 5

Respondents who said that they had not received adequate information made the following comments.

- "He was released on bail and breached within an hour and a half. I did not even know that he was released. I called the police and they did not think it was important enough to send an officer. ... I got the run-around for three days. I could have been dead within three days."
- "When he was arrested the police were all fine. But when I wanted information later, they did not have time. They only talked to me if it benefited them."
- "I had to call the detective, and most of the time he did not return my phone calls."
- "I did not get a call about his release until three days later."
- "Probation needs to be more sensitive to victims. There is a problem getting access to probation information ... they should all be working together. I asked for a copy of the probation order and instead I was sent part of the sentencing sheet. I have provided everything that I could and cooperated to the fullest. I deserve this in return."
- "Victim services, the police, and probation staff need to be more informed. Each knows bits and pieces. I have to call around to get the answers I need because I do not trust others to tell me the outcome at court. I have to go myself to make sure that I know."
- "One of the charges was dropped because I didn't show up at trial. But I did show up, only at the wrong court house; they had changed the location to another town and no one had informed me." [A comparison group respondent]

Several respondents said that they should be informed of all hearings. In particular, they wanted to be told why the case was being remanded; this information was requested by 57 percent of respondents in Hamilton and 45 percent of those in the comparison group. Other respondents were unable to specify exactly what information they would have liked. Rather, they mentioned that a glossary of terms and other general information about the criminal justice process would have been helpful.

Respondents Who Testified at Trial

Responses to the question "did the victim testify at trial?" (shown in Table 7.16) show that victims in the comparison sites were more likely than the coordinated prosecution cases to have testified (45 percent versus 25 percent). As mentioned earlier, these data suggest that the victim sample is somewhat unrepresentative of victims as a whole. While we could not always ascertain if the victim testified at a trial with witnesses, the file data show the following:

- In Ottawa, 14 percent of cases, at most, went to trial. Of the victims interviewed, 24 percent said that they had testified.
- London cases seem to have gone to trial rather more often than those elsewhere; about 22 percent of the file sample may have resulted in a trial. This proportion is roughly similar to the 29 percent of victims who reported that they had given evidence.
- Less than 10 percent of Hamilton cases involved a trial according to file data, but 26 percent of respondents reported that they had testified.

Although we lack data on trial rates for the comparison sites, it is almost certain that a 45 percent rate is atypical. In other words, the victim interview samples from Ottawa, Hamilton, and especially the comparison sites were biased in favour of trials – which were the very cases with whom Crowns and VAWP staff have the most contact. The amount of contact with Crowns and Victim/Witness staff in these courts may not be characteristic of all victims, although it may be representative of cases that go to trial.

Table 7.16 Respondents' Experience in Testifying at Trial

	Coordinated prosecution sites			Comparison sites
Did the victim testify at trial? ¹	Ottawa	London	Hamilton	Barrie & Kingston
Yes	23.9 28	28.6 10	26.3 5	44.7 17
No, victim refused	2.6 3	2.8 1	0	2.6 1
No, no trial/not asked	73.5 86	68.6 24	73.7 14	52.6 20
Total percent	100.0	100.0	100.0	99.9
Number	117	35	19	38
Was the victim prepared for testifying?				
Yes	60.7 17	50.0 5	60.0 3	70.6 12
No	39.3 11	40.0 4	40.0 2	23.5 4
Other, not known	0	10.0 1	0	5.9 1
Total percent	100.0	100.0	100.0	100.0
Number	28	10	5	17

Reasons not prepared	N=11	N=4	N=2	N=4
Emotionally difficult	36.4 4	0	50.0 1	25.0 1
Treated badly by defence counsel	9.1 1	0	0	75.0 3
Crown didn't guide respondent through testimony	0	0	50.0 1	25.0 1
Not enough time to prepare, re-read statement	36.4 4	50.0 2	50.0 1	0
Didn't know what to do or what to expect	18.2 2	0	0	0
Not known	0	50.0 2	0	0

¹ For panel 1, chi-square = 38.46, df = 2, p < .01; for court type.

The proportion of respondents who felt prepared to testify was 50 to 60 percent in the Project sites. The two principle reasons for feeling ill prepared were that the process of testifying was difficult emotionally (particularly facing the accused and having to recount the abuse in front of the accused, his/her family, and others in the court room), and not having enough time to re-read his/her statement made to police.

Satisfaction with the Outcome of the Case

Satisfaction with the outcome of the case varied by site (Table 7.17). Respondents from Peel and Durham were more likely to be satisfied with the case outcome than were respondents in any of the other sites. More Ottawa respondents were satisfied than were those from London. When the sites were collapsed by DVC Project model, the rate of satisfaction was identical (at 58 percent) in the coordinated prosecution and the comparison sites, while more respondents from the early intervention sites were satisfied (84 percent).

Interesting patterns emerged from the examination of the reasons for respondent dissatisfaction with case outcome. Of the coordinated prosecution respondents who were dissatisfied with the outcome, 48 percent believed the sentence was not harsh enough and a further 30 percent were unhappy because the accused had been acquitted, the case had folded (charges withdrawn or dismissed), or the Crown had made a deal. Similarly, 31 percent of the dissatisfied respondents in the comparison sites were unhappy because the accused had not been found guilty. In contrast, in Peel, the most common reason for dissatisfaction with the outcome was that the sentence was too severe (43 percent) – these respondents did not believe that their partner should have to participate in a 16 week treatment program. A further 29 percent of the Peel respondents were displeased because they had wanted the charges dropped. Perhaps indicative of the fact that the Durham respondents were less likely than the Peel respondents to still be in a relationship with the accused, 33 percent of the dissatisfied Durham respondents said that referral to the abusive men's program was not sufficiently harsh.¹⁴

Several respondents in the early intervention sites stated that it was unfair that their partners were required to pay for treatment. It was noted that this was difficult given that the family has incurred or was still incurring the costs of maintaining two residences because of a court-imposed non-association order.

Table 7.17 Respondent Satisfaction with the Case Outcome

	Early intervention sites		Coordinated prosecution sites			Comparison sites
Satisfied with case outcome? ^{1, 2}	Peel	Durham	Ottawa	London	Hamilton	Barrie & Kingston
Yes	82.1 32	86.0 37	63.5 73	42.4 14	55.6 10	57.9 22
No	17.9 7	11.6 5	31.3 36	51.5 17	44.4 8	31.6 12
Mixed	0	2.3 1	5.2 6	6.1 2	0	10.5 4
Total percent	100.0	99.9	100.0	100.0	100.0	100.0
Number	39	43	115	33	18	38

¹⁴ Note that the numbers of dissatisfied respondents in the early intervention sites are very low and these comments may not be generalizable.

Reasons unhappy with outcome	N=7	N=6	N=42	N=19	N=8	N=16
Should have treatment; treatment should be free	14.3 1	33.3 2	11.9 5	21.0 4	0	18.8 3
Case folded because of Crown or deals made	0	0	14.3 6	5.3 1	25.0 2	31.2 5
Accused not found guilty	0	0	19.0 8	15.8 3	12.5 1	0
Sentence not harsh enough	14.3 1	33.3 2	45.2 19	47.4 9	62.5 5	18.8 3
Sentence too harsh	42.9 3	0	4.8 2	5.3 1	12.5 1	6.2 1
No follow-up on breaches/harassment	0	0	2.4 1	5.3 1	12.5 1	0
No follow-up on probation/treatment conditions	0	0	2.4 1	10.5 2	0	18.8 3
Other e.g., didn't want charges, out on appeal	28.6 2	16.7 1	2.4 1	5.3 1	0	6.2 1

¹ chi-square = 22.57, df = 5, $p < .01$; for communities with responses of "mixed" reclassified as "no".

² chi-square = 15.99, df = 2, $p < .01$; for court type with responses of "mixed" reclassified as "no".

Some of the negative comments were as follows:

- "The judge only wants to hear what happened that day, but it isn't fair because he has a previous record. He did federal time for wife assault and the judge should know how dangerous he is."
- "He was found guilty but he is free to go. He was laughing in the courtroom and he's laughing now. He always told me he would get away with it and he did."
- "I would have liked him to do some time to show men they can't do this."

Respondents' Feelings of Safety and Use of Community Resources

Consistent with site differences in the nature of the relationship between the respondent and accused, respondents from the early intervention sites were much more likely to feel safe than respondents from other sites (Table 7.18). Indeed, 97 percent of the early intervention respondents felt safe compared to 71 percent of the coordinated prosecution respondents and 63 percent of the respondents from the comparison group. A further examination of these differences revealed that they were due to the nature of the couple's relationship: respondents who lived with or were seeing the offender were almost unanimous in saying that they currently felt safe. Feelings of lack of safety were generally confined to those who were no longer in a relationship with their abuser. (These data not shown in table form.)

Table 7.18 Feelings of Safety and Safety Planning

	Early intervention sites		Coordinated prosecution sites			Comparison sites
Does victim feel safe now? ¹	Peel	Durham	Ottawa	London	Hamilton	Barrie & Kingston
Yes	95.3 41	97.9 46	75.2 88	68.6 24	52.6 10	63.2 24
No	2.3 1	2.1 1	13.7 16	8.6 3	26.3 5	10.5 4
Somewhat/partially	2.3 1	0	11.1 13	22.9 8	21.1 4	26.3 10
Total percent	99.9	100.0	100.0	100.1	100.0	100.0
Number	43	47	117	35	19	38
Was a safety plan discussed? ²						
Yes	48.8 21	38.3 18	52.1 61	22.8 8	57.9 11	39.4 15
No	46.5 20	59.6 28	45.3 53	74.3 26	42.1 8	60.5 23
Other/don't know	4.7 2	2.1 1	2.6 3	2.9 1	0	0
Total percent	100.0	100.0	100.0	100.0	100.0	99.9
Number	43	47	117	35	19	38

¹ chi-square = 23.89, df = 5, $p < .01$; for communities with "somewhat/partially" reclassified as "no".

² chi-square = 12.78, df = 5, $p < .05$; for communities with "somewhat/partially" reclassified as "no".

Note: VWAP staff in some sites reported that they do safety planning with almost all clients. The "no" responses in the second panel of Table 7.18 may reflect problems of recollection on the part of the respondents.

When the models were compared, there were no differences with regard to the percentage of victims who had received safety planning. Overall, 43 percent of the

respondents in the early intervention sites received safety planning information, as did 47 percent of the coordinated prosecution respondents. A similar proportion of the comparison respondents received safety planning (39 percent). There were differences among the sites when the communities were considered separately. Only 23 percent of the respondents in London recalled being given assistance in developing a safety plan compared to over 50 percent of respondents from the other coordinated prosecution courts.

Proportionately more respondents in Peel said that they were provided with community resource information (Table 7.19). The difference was statistically significant when Peel was compared to Ottawa, London, and the comparison sites. Only 63 percent of the London respondents were given information on community services compared to about 80 or more percent of respondents from other Project sites. The provision of community resource information was similar in London and the comparison sites.

Table 7.19 Community Service Information

	Early intervention sites		Coordinated prosecution sites			Comparison sites
Was community service information provided? ^{1,2}	Peel	Durham	Ottawa	London	Hamilton	Barrie & Kingston
Yes	93.0 40	80.8 38	78.3 90	62.8 22	84.3 16	65.8 25
No	7.0 3	19.1 9	20.0 23	34.3 12	15.8 3	34.2 13
Picked up on own or declined information	0	0	1.7 2	2.9 1	0	0
Total percent	100.0	99.9	100.0	100.0	100.1	100.0
Number	43	47	115	35	19	38
Who provided the information?						
Police	12.5 5	21.1 8	17.8 16	27.3 6	43.8 7	16.0 4
Victim services and/or VWAP	67.5 27	52.6 20	61.1 55	50.0 11	43.8 7	68.0 17
Shelter, other women's services	7.5 3	7.9 3	3.3 3	4.5 1	0	8.0 2
Police & VWAP	7.5 3	15.8 6	16.7 15	18.2 4	12.5 2	8.0 2
Crown	5.0 2	2.6 1	1.1 1	0	0	0
Total percent	100.0	100.0	100.0	100.0	100.1	100.0
Number	40	38	90	22	16	25

Type of information provided						
Community resources	80.0 32	78.9 30	71.1 64	72.7 16	93.8 15	92.0 23
Woman abuse issues	5.0 2	5.3 2	0	4.5 1	6.2 1	0
Resources <i>and</i> abuse	10.0 4	13.2 5	26.7 24	22.7 5	0	8.0 2
Other/not known	5.0 2	2.6 1	2.2 2	0	0	0
Total percent	100.0	100.0	100.0	99.9	100.0	100.0
Number	40	38	90	22	16	25

¹ chi-square = 13.89, df = 5, p < .05; for communities including "yes/no" responses only.

² chi-square = 7.47, df = 2, p < .05; for court type including "yes/no" responses only.

The use of community resources ranged from 28 percent in Peel to 48 percent in Ottawa (Table 7.20). The rate of accessing community resources was not different when the court types were compared. Overall, almost 40 percent of all victims interviewed used at least one community service.

Table 7.20 Respondents' Use of Community Services

	Early intervention sites		Coordinated prosecution sites			Comparison sites
Did victim use any services?	Peel	Durham	Ottawa	London	Hamilton	Barrie & Kingston
Yes	27.5 11	36.8 14	47.8 44	36.4 8	43.8 7	32.0 8
No	72.5 29	63.2 24	52.2 48	63.6 14	56.2 9	68.0 17
Total percent	100.0	100.0	100.0	100.0	100.0	100.0
Number	40	38	92	22	16	25
What services were used?						
Shelter	9.1 1	7.1 1	11.4 5	25.0 2	0	50.0 4
Counselling	81.8 9	64.3 9	56.8 25	50.0 4	85.7 6	25.0 2
Legal	9.1 1	7.1 1	0	12.5 1	0	0
Own/private care	0	7.1 1	20.5 9	0	0	12.5 1
More than 1 service	0	14.3 2	11.4 5	12.5 1	14.3 1	12.5 1
Total percent	100.0	99.9	100.1	100.0	100.0	100.0
Number	11	14	44	8	7	8

Treatment Conditions: Partners of Respondents

All respondents in Peel and Durham courts had partners (or ex-partners) who were referred to an abusive men's program (Table 7.21). In the coordinated prosecution courts, offenders were referred to treatment in 51 percent of the cases, while offenders were so referred in 38 percent of the comparison cases.

There were variations by court in coordinated prosecution sites, with treatment referrals being more likely in London than in Ottawa or Hamilton. However, it was not clear the extent to which the partners of the victims were referred to specialized abusive men's programs or to other counselling programs, such as anger management and substance abuse.¹⁵

Respondents in the early intervention sites were more likely to be consulted about the accused taking part in a treatment program compared to both the coordinated prosecution and the comparison courts. This consultation process is a component of the Domestic Violence Courts Project, and from these data, it appears that it was indeed being done; 89 percent of the early intervention respondents were asked if they wanted the accused to take part in the Project.¹⁶ In contrast, only 24 percent of the respondents in the coordinated prosecution sites, and 18 percent in the comparison sites, were asked if they wanted the accused to have a treatment condition. The consultation in the coordinated prosecution and comparison sites was less formal, with respondents typically reporting that they were simply asked what they would like to see happen to the accused and whether they thought treatment was a good idea.

Table 7.21 Referral of Offenders to Treatment Programs

	Early intervention sites		Coordinated prosecution sites			Comparison sites
	Peel	Durham	Ottawa	London	Hamilton	Barrie & Kingston
Accused referred to treatment?						
Yes	100.0 43	100.0 47	48.5 47	75.9 22	14.3 2	37.5 12
No	0	0	51.5 50	24.1 7	85.7 12	62.5 20
Total percent	100.0	100.0	100.0	99.9	100.0	100.0
Number	43	47	97	29	14	32

¹⁵ Victims were often unable to distinguish between an abusive men's program and other programs such as anger management.

¹⁶ Four respondents in Peel and two in Durham felt pressured to agree to their partner's participation in the Project. Of the Peel respondents who felt pressured, two indicated that the pressure came from family (either the accused's or their own), while one felt pressured by the Crown and VWAP staff. Both respondents from Durham felt obliged to agree to the Project because they felt they were responsible for the emotional and financial hardship experienced by the family as a result of their calling the police.

Was respondent consulted about treatment?						
Yes	97.7 42	80.9 38	26.5 31	17.1 6	20.0 4	18.4 7
No	0	14.9 7	29.1 34	54.3 19	35.0 7	28.9 11
Not known, not together	2.3 1	4.3 2	44.4 52	28.6 10	45.0 8	52.6 20
Total percent	100.0	100.1	100.0	100.0	100.0	99.9
Number	43	47	117	35	19	38

Notes: In panel 1, cases where the respondent did not know if the offender had been referred to a treatment program are omitted.

Victim Recommendations

1. Exercise of Discretion

Recommendations about the discretion of police and input of victims regarding the laying of charges and imposition of non-association orders were most frequently made by victims in the early intervention sites. Victims reported that it was unfair that they had no input and that no one cared about what they wanted regarding charges and contact with the accused. Several respondents indicated that they were made to feel powerless by both the police and the Crown attorneys with whom they had contact; they wanted to be able to make the decisions that influenced their lives.

A frequent statement was that the incident was a one-time occurrence, that the respondent had not been hurt, and that she was not an “abused” woman. Several of these respondents felt that the “zero-tolerance” policy regarding domestic abuse was commendable, but that their case was “different” and that it was a waste of resources to prosecute in cases such as their own. More than one respondent noted that she knows her situation best and is in a better position to make judgements about her future safety than is the Crown attorney. Although many of the respondents understood the perspective of the justice system, these women resented being told they were “victims”.

Furthermore, these women were disturbed that VWAP staff and Crowns with whom they had contact were unsympathetic to the family and financial distress caused by the imposition of the non-association orders – the cost of maintaining separate residences and the impact of the separation on children were noted quite frequently. Several women remarked that the fact that they could not see or speak to their partners was only compounding their marital difficulties by adding financial pressure and by causing the couple to grow farther apart.

- One victim said “what is the point of sending him to counselling if I can’t see him to see if it has had any effect?”
- “How are we supposed to fix what is broken when we can’t talk to each other?”
- “No one cares that my child cries himself to sleep every night because he can’t see his father. We don’t have any family who can act as a third-party contact, so now my child is suffering for our mistakes.”

The provision of decision-making power to the victim is a controversial issue. While some respondents were vehemently opposed to having these decisions made for them, others reported relief that the decision to lay charges was not theirs to make. Further, as is described in the Policing section below, in some instances, the respondent *was* consulted about the charges.

2. Information Needs

The most frequent request concerning information was that victims should be informed of what is occurring at each stage of the process. For instance, several respondents noted that when the police left they were completely unaware of what would happen next, until they were called by police victim services or VWAP, or received a letter from VWAP – often a few weeks later. In several cases, the respondents telephoned VWAP themselves. Indeed, several respondents reported that they were well informed about the case but that they had actively sought the information and made numerous telephone calls to different people.

Respondents recommended that there be one contact person to provide information about all aspects of the case and that there be better communication among the police, VWAP, the Crown's office, and the victim. An additional request was that victims be informed of the accused's release immediately, and that they receive a copy of the accused's bail or release conditions and final sentence.

About one out of five respondents did not receive information on the accused's released or the conditions of release and others did not get this information in a timely manner. It was recommended that procedures be introduced to ensure that victims are told immediately when an accused is released. This recommendation should be considered a priority. Similarly, the provision of sentencing information to victims, in writing, could be implemented.

One presumably feasible recommendation is that a step-by-step guidebook be developed to walk victims through the various stages in the criminal justice process. While processing varies from case to case, it would be helpful to provide victims with general information on the stages of the "typical" case. For instance, if the accused is removed to the police station, s/he may be released there; if not, a bail hearing typically occurs the following day, etc. The informational pamphlet should also contain a glossary of terms, such as "bail", "remand", "show cause", as victims are often bewildered by these terms.

Some of these recommendations are more easily implemented than others. Other changes may be in the process of implementation, although to varying degrees in the different locations involved in this evaluation.

3. Court Processing

Changes in this area are more difficult to implement; indeed, some are impossible. For example, several of the respondents complained that the system was too slow. Typically, this complaint arose when a not guilty plea case from the coordinated prosecution or comparison sites had been remanded numerous times. The respondents involved in these cases suggested that the number of adjournments allowed be limited.

During the course of this evaluation, the interviewer spoke to five women whose case was not disposed of within one year of the incident. These respondents found the situation distressing, as they were unable to move on with their lives.

The length of the process was also an issue in the early intervention sites, where, theoretically, the cases should have been processed very quickly. According to one respondent, the accused wanted to plead guilty on his first appearance and participate in the Project, but the judge refused his plea because he did not have legal representation.

Several respondents from the early intervention sites complained that they incurred considerable legal costs because the accused had not been told how to participate without retaining defence counsel. Such problems could be avoided by taking a more proactive role in informing accused about the Project. In Peel Region, plans were made to inform the accused soon after the victim is consulted about his participation in the Project, but the procedure may not have been fully implemented.

Victims also recommended that they not have to face the accused, that the courtroom be emptied for domestic violence cases, that the defence counsel not be allowed to “treat the victim like the accused”, and that the judge should hear about previous charges and convictions for abuse. While one can be sympathetic to a victim’s distress at experiencing the trauma of disclosing personal details of abuse in front of strangers and the accused, certain rights are afforded to the accused by our judicial system, and it is a public system. Though little can be done about these recommendations, perhaps victims might be more informed about what they might expect in terms of questioning by defence.

Further, it may be feasible to improve the conditions under which victims wait at the courthouse. Some victims, as demonstrated by the following quote, felt unsafe while waiting to testify.

- “I was told to be in court at 9:00 a.m. He arrived at 10:00 or 11:00 and the court was in recess. We were out in the hall together and he was so close I could have touched him. There wasn’t even police supervision.”

A recurring recommendation in the coordinated prosecution and comparison sites was that sentences for domestic violence be more harsh and include a requirement for treatment. Victims were especially unhappy with the imposition of intermittent sentences to be served on weekends. While changes in sentencing practices obviously cannot be dictated, a related recommendation – that breaches of bail and probation orders result in consequences – may be feasible. Perhaps a review of police and probation practices should be undertaken to determine how frequently non-compliance without breach charges occurs and whether policy needs to be developed to address this concern.

The last major court-related recommendation made was that victims should meet with the Crown attorney who handles their case. Victims found it disconcerting to meet with one Crown, only to find that he/she was not handling the case. In several instances, it was reported that the Crown who had final responsibility for the case was ill informed

because he or she was handed the brief only minutes before the hearing. Additional information was sometimes provided to the Crown with whom the victim met, but this was not handed on to the person prosecuting the matter. These respondents felt it was unfair that the accused and his/her defence counsel had months of preparation together, while the Crown was handed the brief a few days or in some instances, moments before going to court. While many of the respondents understood that the Crowns were busy, some did not understand that the Crown was not “their lawyer”.

It is always difficult to institute a “same Crown” policy in large urban courts with heavy caseloads. However, some jurisdictions appear able to implement this procedure, at least in the majority of cases.

4. Support from VWAP and the Community for Victims

Several respondents found it frustrating that they could not discuss the particulars of their case with VWAP staff. It was recommended that someone from outside the system be available to provide support. It was also recommended that victims be contacted the day after the incident to inquire about needs. A few victims noted that although they had been provided with telephone numbers, they found it difficult to reach out. Those who had been telephoned by police victim services found the contact supportive.

A related suggestion is that victim services staff in both the police and the courts should be better informed about community, social, and financial resources, especially information on waiting lists and the precise types of services offered.

While victim units in police services do provide support for some victims in the immediate aftermath of the incident, it appears that support was not offered in all cases or in all locations. The issue may be one of resource management. Perhaps more comprehensive victim support could be implemented by expanding the use of volunteers and seeking the cooperation of more community agencies.

Another community service recommendation was that more direct services be available, including financial assistance and child care. In one case, the interviewer had to recommend to a woman that she go to a food bank, as she literally had no food in the house and no money because of her partner’s financial abuse. When the interviewer called, the woman was crying because she had just told her three children to drink some water to make their stomachs feel full. This woman was so distraught that she was unable to think clearly about how to provide food for her family. While this case was extreme, it exemplifies the need for additional social services for victims of domestic violence. Although the provision of such resources is not within the purview of the criminal justice system, if women are to be encouraged to call the police and be available throughout the criminal process, they must be assured that social services will be available to them.

A final recommendation related to the provision of service to victims is that VWAP office hours be extended to accommodate victims who are employed. This recommendation may have the potential to be implemented.

5. Policing

Several respondents recommended that the police be provided with ongoing training about the issues surrounding domestic abuse. A number of women said that they were very upset at what they had experienced. Although such situations may have been an everyday event for the officers, this was not a regular event for these victims and they would have appreciated more empathy.

In contrast to the victims who requested that they be consulted about the laying of charges, other respondents said that they had to request that charges be laid, and that the police did not seem to take the incident seriously enough. A recommendation made by several women was that the police should respond immediately to all calls and should lay charges when bail and probation conditions are breached. Several women described being harassed by an accused, informing the police, and receiving no response.

Other respondents reported that the police were insensitive to them, and thought it would be better if female officers attend domestic incidents. Perhaps a more viable recommendation is that specially trained officers attend incidents involving domestic disputes, where possible (this has been partially implemented by the Hamilton-Wentworth Police). Several respondents from the Ottawa area spoke very positively about the detectives from the specialized unit there, but detectives do not respond to calls for service.

A final policing-related recommendation is that victims be allowed to make their statement later, after they have an opportunity to calm themselves, so that they do not omit important details or provide incorrect information. While this recommendation is feasible, the conventional (police and Crown) wisdom is that many victims will change their mind about criminal justice processing if their statement is not taken immediately.

6. Key Recommendations

The most frequently made recommendations were:

1. Police should have discretion in the laying of charges and the victim should be consulted about whether charges are laid.
2. The victim should be consulted about non-association orders.
3. Sentences for domestic assault need to be harsher.
4. There should be consequences for non-compliance with bail and probation conditions.
5. A counsellor from outside the system should contact the victim immediately.

6. From the time of arrest forward, the victim needs to be informed of the “next steps”.
7. The victim should be able to meet with the Crown attorney who handles the case in court, especially at trial.
8. The system needs to move faster.

Obviously, while some recommendations cannot reasonably be implemented, others could be considered. Several recommendations point to the desirability of a review of current practices.

Other respondents did not have any recommendations on how the system could be improved; rather they felt their experience was as positive as it could have been under the circumstances. This was the case for victims who had been through the court process in the past, as demonstrated by some of the following comments.

- “I don’t have any recommendations. They are doing more now for victims. I noticed a definite improvement from my experiences with the courts. My ex-partner got off – the judges are tougher now.”
- “I can’t think of any recommendations. It seemed very quick and organized.”
- “Compared to my past experiences, the system is much better now.”
- “What I do like about the law right now is that they won’t let you drop charges. I’ve been in an abusive situation before, and it is good that now they force you to go through with it.”

Summary

The primary differences found between the experiences of the Project and comparison respondents are that Project victims

- were more likely to have met with VWAP staff/the Crown before the guilty plea or trial date;
- were more likely to have met with a Crown attorney;
- had more multiple meetings with a Crown attorney (in the coordinated prosecution sites);
- were marginally more likely to say that they had received enough information about the case;
- were more likely to have been told of local resources for abused women.

There were differences between the early intervention sites and the coordinated prosecution and comparison courts. Respondents in Durham and Peel were more likely to meet with VWAP staff/the Crown within two weeks of the incident. Also, respondents from the early intervention sites more frequently wanted the accused to be released, were more likely to request that the conditions of release be changed, and were most likely to remain in a relationship with their partner – and as a consequence were more likely to feel safe. The release conditions were, in fact, changed more frequently in these sites.

Many of these differences demonstrate that the procedures of the early intervention model were implemented as planned. As in the pilot plans, the respondents are provided with an opportunity to meet with VWAP staff/the Crown very early in the process. Consistent with the victims' wishes, non-contact conditions are typically varied and the accused attends a treatment program. From a qualitative analysis of the interviews, the overwhelming majority of respondents from the early intervention sites stated that they called the police because they needed help with defusing a situation, or that they wanted their partner to see how serious their problems had become – they did not anticipate that charges would be laid. Many were relieved that their partner was provided with the opportunity to attend counselling without getting a criminal record. It is not therefore surprising that more of these respondents were satisfied with how their case was resolved.

The victim interviews suggest that the Domestic Violence Court Project moderately achieved its goals of providing early intervention with victims of domestic violence, as measured by the speed and frequency with which meetings between VWAP, Crowns, and victims take place. Furthermore, Project victims received enhanced provision of information about both their court case and community resources. Despite these achievements, there are no differences among the sites with regard to the proportion of respondents who felt that they had been treated fairly by, or had adequate support from, the Crown attorney and VWAP staff. Two-thirds of Project respondents said that the Crown had treated them fairly and that they had had adequate support from the Crown attorney; over 90 percent reported that they had been treated fairly by VWAP; and, over 80 percent of victims interviewed believed VWAP had been supportive of them.

Feelings of safety at the time of the interview were relatively high in most sites (the exception was Hamilton, where only about half of victims reported feeling safe). Victims who had left the relationship with their abusers were less likely to feel safe than were those who still lived with or saw the accused.

Satisfaction with the case outcome in the coordinated prosecution courts ranged from 42 to 64 percent, and very high in the early intervention sites (over 80 percent were satisfied). It may be unrealistic to expect much larger proportions of satisfied victims given that many of the reasons for dissatisfaction are related to withdrawals/dismissals and sentencing.

CHAPTER 8: ABUSIVE MEN'S PROGRAMS

Eight abusive men's programs are affiliated with the Domestic Violence Courts Project. Five sites have one program, whereas Peel Region has three programs to which offenders may be referred. The programs are contracted to provide services to offenders by the Ministry of the Solicitor General (MSG). In Peel, the contract is between the Ministry and the Social Planning Council of Peel.

An Overview of the Programs

This section briefly describes the structure of the abusive men's programs affiliated with the Project. Social and demographic information on the clients at each site is presented, as is program process information. However, the numbers and proportions provided are approximations because complete data were not provided for all offenders who participated in the programs during the course of the Domestic Violence Courts Project.¹ It is not possible to report the precise numbers of referrals because the programs did not provide us with information on all DVC clients.

The abusive men's programs affiliated with the Domestic Violence Courts Project are guided by a pro-feminist philosophy, and typically employ cognitive techniques in their efforts of teaching acceptable behaviour. Programs that are pro-feminist in nature are based on the belief that domestic violence is gender-specific and rooted in the systemic power imbalance between men and women. The pro-feminist philosophy guides program content. A program that is cognitive in approach is one that targets thinking patterns and problem-solving behaviours. Although the programs are similar in philosophy and therapeutic approach, they vary in terms of format and structure, with some having a closed entry format some having an open entry, and some employing a combination of closed and open admission. The programs make referrals to other services as required, and have an intake or pre-acceptance assessment interview.

1. Peel Region

The organisation of the Peel Region programs differs from the other five Domestic Violence Courts Project sites in that the Ministry of the Solicitor General holds a contract with the Social Planning Council of Peel, which lists three programs as service providers for the Project. There is a Memorandum of Understanding between the programs and the Ministry.

Family Services of Peel

¹ Most programs were operational before the implementation of the evaluation measures, and forms were not always provided for previous clients. In addition, not all programs were fully cooperative in providing data.

Family Services of Peel is a non-profit agency that administers Phase I, an abusive men's program.

Program staff consist of one male facilitator who is on contract with the program until March 2000, and two new male facilitators. The contract facilitator was with the program at the beginning of the DVC Project and is staying primarily to provide continuity of service and to train the two new counsellors. Partner contacts are undertaken by three women who work for Family Services of Peel.

The Phase I program is based on a feminist philosophy and takes a cognitive and educational approach to intervention. The program uses the closed entry format, and consists of 15 group sessions and one intake assessment interview. The group sessions are offered once a week and last approximately two hours. The groups are typically facilitated by one male counsellor, though some groups also have a female facilitator. Because of a low referral rate, which has occurred in part because of the closed entry format, the groups are supplemented with probation and other clients. The third group with DVC Project offenders began in October 1999.

Based on data from only 13 referrals, the completion rate is 100 percent. The average number of sessions attended was 14. On average, participants completed the program in 119 days.

According to interviews with program staff, a minimum of four partner contacts are made, including contacts to inform partners of acceptance into and completion of the program. Partners of clients are provided with information on attendance and participation status, and any threats of harm or reports of violence. The agency offers a drop-in group at a local shelter and provides individual counselling on an as-needed basis. The program also offers safety planning. According to the data provided on seven DVC participants, all partners were contacted, and services were used by most partners contacted. In 83 percent of the cases, the partner received information and other services over the telephone; one person attended an agency-run group program. The average number of telephone contacts made was 4.7, with a range of four to seven.

The primary operational issue is insufficient funding. According to the staff interviewed funding is not adequate to meet the service needs of victims. Program staff have been disappointed by the low rate of referrals, which affects the reimbursement from the Social Planning Council of Peel. Program staff stated it is not cost-effective to run closed groups, a format that they believe is most conducive to the group process. The closed group approach results in fewer clients compared to the open admission format of the other two agencies associated with the Project in the Region. Therefore, Family Services of Peel is at a disadvantage compared to the other programs, which are able to place referrals in groups as soon as they are received.

Concern was raised that not all appropriate offenders are presented with the option of participating in the DVC Project. Program staff noted that some offenders who were “perfect candidates” for the Project had been referred by Probation Services; these offenders were unaware of the DVC Project. Although this situation was noted at the beginning of the Project, it is believed that the situation has worsened over time. (No quantitative evidence supports the assumption that large numbers of appropriate DVC clients are being “missed” in Peel Region, although this view is held by the three abusive men's programs. This is not to say that their perceptions are necessarily inaccurate.)

Finally, although interpreters are trained in cross-cultural issues, there is no in-depth training on domestic violence and woman abuse issues. The counsellors have no ability to ascertain exactly what is being translated to the clients who require an interpreter. (Interpreters attend group sessions and interpret what is occurring to the offender.)

Catholic Family Services of Peel/Dufferin

The Man to Man program is offered by the Catholic Family Services of Peel/Dufferin, a non-profit organization. The program is guided by a feminist philosophy and adopts a cognitive-educational approach to service delivery. Sessions are facilitated by a male-female team.

Staff of the Man to Man program consist of a male Program Coordinator (who also facilitates the group) and a female co-facilitator. In addition, there are four other facilitators (two males and two females), who lead the small-group check-ins. These co-facilitators are primarily university and college placement students with some counselling background; one is also a graduate of the program.

The program consists of 15 two-hour group sessions, held weekly. The program also requires attendance at two administrative sessions. The program has open admission, so clients can be placed in a group as they are referred.

According to data provided for 35 offenders, 80 percent of the participants successfully completed the program. The average number of sessions attended overall was 14.9, while the average number attended by completers was 16.6. The program was completed in an average of 121 days.

In total, 88 percent of the partners were contacted; 12 percent were not located. Ten percent of the partners contacted refused further service. The average number of telephone contacts per partner was 3.2, with a range of one to five.

One problem encountered is the attitude and demeanour of the Domestic Violence Court referrals, who are described as having strong attitudes of denial. Their attitudes initially led to the separation of the DVC clients from clients from other sources, but this approach has been dropped.

Domestic Violence Court referrals attend 15 sessions (plus an assessment session) but the program for other clients is 32 weeks. According to program staff, the shorter program length allows clients to minimize the seriousness of the abuse that resulted in the court involvement.

Another issue raised was the procedure whereby reoffending results in automatic re-referral to court and ejection from the program. According to a respondent, this is a time when the client most needs service. When one client reoffended, the program leader offered individual crisis counselling to the client and increased partner contacts, although this is not a provision of the Project.

The Salvation Army

The Salvation Army offers the Domestic Violence Prevention Program to Peel Region residents. The cognitive-educational program has a feminist orientation.

The Domestic Violence Prevention Program is a 15-week educational program, with weekly group sessions of two hours. Groups are facilitated by a male-female team; each group has approximately 12 members. Individual counselling is provided as required.

Although it was originally planned to separate Project referrals from other referrals, low numbers resulted in the integration of clients from different sources. Approximately 30 Project referrals have completed the program.

The open nature of the program eliminates a waiting list and referrals are placed in a program within two weeks of making contact with the group leader.

Partners of clients are informed of acceptance and participation status. Safety planning is offered and partners are encouraged to attend a support program. Individual assistance is also available. As in other programs, when a client stops contact with the program or makes threats of violence, the partner is contacted. If a man is deemed a serious physical threat, the criminal justice system will be contacted immediately.

A Profile of Peel Region Clients

Client data forms were available for 43 offenders in the Peel Region. Over 80 percent of offenders referred to the abusive men's programs were employed and employment was their main source of income. Indicative of the high employment rate, almost one-third reported having an income of \$40,000 or more and 37 percent had at least some university or college education. Despite the Region's ethnic diversity, almost three-quarters of the offenders reported English as their main language (this is taken to mean that their fluency in English is adequate or better).

At the time of the offence, almost 37 percent of the offenders were living with the victim and a further 34 percent were living with the victim and children; children witnessed abuse in 37 percent of the cases. At the time of intake, almost 32 percent of the clients were under court order to have no contact with their partner, while 47 percent were living together. Almost 67 percent of the offenders who completed the program were residing with their partner when they finished the program.

Entry criteria for the Peel and Durham Region Programs specify that the accused must not have previous findings of guilt for a domestic violence offence. This does not mean, of course, that they have not had prior system contacts for domestic violence. Program participants self-reported the following contacts with the justice system:

- Over one-third of the offenders had been involved in a domestic incident in which the police were called but no charges laid.
- Five percent had previous charges for an offence against the same partner but none had previous charges against other victims.
- Five percent admitted to having been subject to a peace bond for a domestic incident.

Five percent of the offenders had been involved in family counselling in the year before their involvement with the abusive men's program; 7 percent had sought treatment specifically for domestic violence. In almost 40 percent of the cases, the offender was under the influence of alcohol or drugs at the time of the offence, but only 5 percent believed they had a substance abuse problem. Seven percent of the offenders had sought treatment for anger management in the past year.

According to data on 48 offenders, 85 percent completed the program. Of the 15 percent who failed to complete, 29 percent voluntarily withdrew and 29 percent had new domestic charges laid. In 57 percent of the failed cases, the Crown was notified;² outcome data were missing in 29 percent of the cases.

On average, 1.3 days passed from the time the programs received notice of a referral to when the offender contacted the program. The average time between making contact with the program and having an assessment was 3.5 days, and offenders started the program within 10 days of their assessment. Referrals to the Peel programs are therefore dealt with promptly.

The majority of offenders attending the program in Peel Region paid their full fee (77 percent). The average fee requested was \$396, while the average fee paid was \$355 – the highest amount recovered from any of the sites.

Partners of program participants were contacted in almost 92 percent of the cases, with partners not contacted only because they could not be located. The average number

² This may be an under-estimate; it is based on forms sent in to the evaluation team.

of calls made to those contacted was 3.3. Eighty-five percent of the partners located received some form of service, with 55 percent receiving telephone contact with the partner outreach worker (data not shown in table form).

2. North Bay

The program affiliated with the Domestic Violence Courts Project in North Bay is called Alternatives and is offered by the Community Counselling Centre of Nippissing. The program has a feminist philosophy and takes a cognitive-educational approach to intervention.

The Alternatives program is 16 weeks long and consists of two-hour weekly sessions. There is also an assessment interview. The program is facilitated by a male-female team. The program also provides service to probation-referred clients. Approximately two dozen offenders have been referred to the program in North Bay.³

Partner contacts are completed for all clients who currently have a partner. Partners are provided with an information package on services available at the Community Counselling Centre and in the community. Telephone contact is maintained to inform the partner of attendance, participation, and completion status, as well as of any threats or reports of violence.

Two issues arose during the implementation of the Alternatives program as an affiliate of the Domestic Violence Courts Project in North Bay. First, historical problems between a previous Community Counselling Centre liaison and Probation and Parole Services led to the exclusion of the Centre at initial discussions about the Project. There were indications that Probation and Parole Services wanted to provide its own program to Project referrals. This situation was described as being partly responsible for the delayed contract signing between the Ministry of the Solicitor General and the Community Counselling Centre. An ongoing issue in the region is the lack of a DVC Project coordinating body. Although a Crown initially undertook the responsibility of researching and developing a protocol and procedures for the Domestic Violence Court and its various components, when she left the region the Crown's Office was unable to dedicate staff to perform a formal community liaison role. As a result, no formal community consultation has taken place in over a year; nor has a formal protocol or procedure for the exchange of information been developed (VWAP staff have the responsibility for liaising with the Community Counselling Centre for monitoring DVC referrals.) The establishment of a coordinating body to deal with ongoing and arising operational issues would be beneficial.

3. Durham

³ As of October 1999.

The New Choices program is provided by the Regional Municipality of Durham, Department of Social Services.

New Choices staff consists of a Program Coordinator, three primary facilitators, and three co-facilitators. Two of the primary facilitators are full-time employees of the Department of Social Services, as is the Coordinator. The co-facilitators and other primary facilitator are part-time employees. Only one primary facilitator is full-time with the men's program. The Program Coordinator is male, the primary facilitators are female, and the co-facilitators are comprised of one male and two females. One of the secondary facilitators completes the partner contacts for all the partners of clients, except those in her group; her clients' partners are contacted by the other female secondary facilitator.

The program has a feminist orientation and uses a cognitive-educational and skills-based approach to treatment. Each group is led by one of the primary facilitators. The groups are facilitated by both male-female and female-female teams.

New Choices is 20 weeks in duration and consists of a two-hour group session held weekly. A screening interview is held before acceptance. Individual counselling is provided in crisis situations. Under the present contract, the maximum number of clients that can be served at one time is 54, with 18 clients in each of three groups.

Based on the data provided, offenders contact the program within one day of the program's notification of the referral. Programs are started within an average of 13 days from the assessment time. The average time taken to complete the program is 150 days.

The average number of sessions attended by program completers was 21, with a range of 19 to 40; several offenders attended more than the required 20 sessions. To date, no DVC referrals have been refused service for any reason.

According to data on 113 referrals, 91 percent of the offenders completed the program. Two of the men who failed the program reoffended, although new charges were laid in only one of these cases. In 75 percent of the cases where the client failed the program, the case was referred back to the Crown (although this may be an under-estimate, as some data were missing).

Partner contacts are done for the victim of the referral offence as well as the current partner, if different. If an offender has no partner, the former partner is contacted. Partners are contacted by telephone and are informed about the program curriculum, and the services available to them; a safety plan is also developed. The initial contact is made by the full-time primary facilitator as soon as the client completes the screening interview, while follow-up calls are made by a partner outreach worker.

Services provided to partners include updates regarding the client's performance, attendance, and completion. If a partner is willing, they are contacted at the beginning of the program, during the middle, and again at the end; more frequent contact is granted

upon request. The partner, as well as the appropriate authorities, is contacted in the case of a threat of harm made by the offender.

Based on the data provided to this research, 89 percent of the partners of DVC clients were contacted by the program. All but two of the 62 partners contacted (3 percent) received at least one phone call from the program. Services were provided in 94 percent of the cases where contact was made. Sixty percent of the partners who used the agency's services were provided with telephone information, while 30 percent were referred to and/or attended the agency's group program (data not shown in table form). On average, 3.3 contacts per partner were made by the program overall, while the mean number of telephone contacts when at least one call was successfully made was 3.4, with a range of one to twenty.

During the course of the evaluation, procedural changes were made at the request of justice system personnel. For instance, VWAP requested that the program inform them when partner contacts cannot be made; in at least one case a partner was not contacted by the program. The Crown and VWAP requested that a staff person, other than group leaders, be designated for partner contacts; the program accommodated this request. Also, the Crown's Office asked that the program provide a report recommending whether an offender should have the non-association condition varied after four group sessions. The program declined this request, as it was unwilling to accept responsibility for such a judgement.

The number of referrals is not as high as originally anticipated. There could be a number of reasons for this, including: not all Crowns may support the program; not all Crowns are fully aware of the program or its entry criteria; and, the defence bar are hesitant to recommend the program to clients because conditional discharges are not always granted. As well, it may be that defence counsel advise clients that the program is very "tough".

Another concern is the exclusion of Probation and Parole Services in discussions of the Project. There is a positive relationship between the program and Probation and Parole, but the impact of the Project on Probation has not been recognized by Project officials. Since New Choices is also the program utilized by Probation and Parole Services, when a DVC offender receives a probation order with a condition to attend counselling, he may well be referred back to the program he just completed – possibly resulting in a waiting list for other probation clients.

As in other sites, the New Choices program does not routinely obtain information when an offender has been breached. Unless offenders disclose this information, they may continue in the program.

Finally, the funds provided are not sufficient to provide the service. The contract amount is primarily utilized for salary, with the Regional Municipality covering some staff expenses and overhead costs associated with program administration. It is virtually

impossible to recoup \$400 per participant in client fees, despite the fact that this site had the second lowest proportion of clients with an income of less than \$20,000 (only 26 percent of clients) and over 70 percent paid their fees in full. The average fee requested was \$318 and the average amount paid per client was \$317. The minimum fee requested was \$100 and the maximum was \$1,100; the minimum paid was nothing, while the maximum was \$1,100.

A Profile of Durham Region Clients

Social and demographic information was provided for 87 clients. The overwhelming majority of clients spoke English as their main language. Almost 83 percent of the clients were employed, while only 7 percent were unemployed. The clients were fairly evenly distributed across the income ranges. Overall, the client group is relatively well educated, with almost one-third being high school graduates, and 36 percent having some post-secondary education.

Most of the offenders had their non-association orders varied over the course of the program and had resumed living with their partners. Sixty-six percent of the clients were under non-association orders at the beginning of the program, and only 15 percent were residing together. At the completion of the program, only 12 percent of the completers were under court order to have no contact with their partner; 30 percent were residing with their partner. At the time of the offence, almost 43 percent of the clients were living with the victim and at least one child, but one-quarter were not living with the victim. There was a child witness to the violence in 44 percent of the cases.

Many of program participants had a history of domestic violence:

- The police had been called because of a domestic dispute in which no charges were laid in 38 percent of the cases.
- Seven percent of the men had prior charges involving the same victim.
- Eleven percent had been charged with offences against another partner.
- Almost 4 percent of offenders had been previously subject to a peace bond for domestic offences.

Only 8 percent of the men had been treated for anger management. Almost 13 percent of the clients had attended family counselling in the year before their involvement with the DVC project, and 3 percent had sought counselling for domestic violence. Although alcohol or drugs was involved in 32 percent of the cases, only 9 percent of the clients had received substance abuse treatment in the past year, and only 7 percent reported a current substance abuse problem.

3. Ottawa

New Directions is the abusive men's program affiliated with the DVC Project in Ottawa. The program operates under the auspices of Catholic Family Services (CFS), a non-profit community agency.

Staff of New Directions consists of one full-time Program Manager, one full-time partner outreach worker, a part-time Outreach worker, and two part-time Intake Workers. There are also five Program Facilitators who are on contract for five hours per week to deliver the program. The Program Manager is male, the partner outreach workers are female, and there is one male and one female Intake Worker. The contract staff are comprised of three women and two men. The contract staff are funded by Catholic Family Services. There is a volunteer for each contract staff person.

The overall philosophy of the New Directions program is pro-feminist and the treatment approach is educational, employing adult education techniques and behavioural practice in the form of role-playing. Although there is an attempt to have one male and one female facilitator per group, occasionally a group is facilitated by one or two men.

The program is delivered in a group format, with an individual intake assessment and individual crisis counselling upon request. The educational component was originally 10 weeks, followed by 8 weeks of group counselling and problem-solving. The format has changed so that the mandatory program now consists of 16 weeks of the educational component. Approximately 35 clients are in each group. Clients attend one session per week with each session lasting about two hours. The program can service up to 150 clients at any given time.

The average number of sessions attended by offenders who began the New Directions program is 13.4, while the mean number of sessions attended by those who actually completed the program is 15, with a range of 12 to 18.

The average time between receiving referral information and the offender's first contact with the program is 16 days. On average, assessments were completed within 21 days of initial contact with the program, and the program was started within an average of 54 days of the assessment. These time frames are considerably higher than for most other programs (Hamilton has roughly equivalent time delays). For offenders who completed the program, the average time taken to complete was 127 days.

Based on data from 254 offenders referred to New Directions, the completion rate was 85 percent, when only those offenders who attended at least one session were included. The completion rate was 70 percent when the calculation included all referrals (i.e., all referrals regardless of whether they attended a session). If we look at the total for which some data are available (305), 11 percent attended at least one session but failed to complete the program; and, 7 percent were assessed and agreed to participate but failed to attend the first session. The most frequent reason for non-completion is that the client missed too many sessions, followed by disruptive behaviour in the group. Criminal justice authorities were notified of all failed cases.

The partner outreach worker contacts the victim of the current assault, the offender's partner (if different), and any new partner with whom a client becomes involved during program participation. Services offered to partners consist of feedback regarding the client's participation, as well as safety planning, advocacy, and referrals to other agencies and services. A drop-in group is offered two nights a month to partners of current, previous, or potential clients. The absolute minimum service provided to a partner is a telephone call (including safety planning) and a mailed information package. Information about counselling services offered by the agency, safety planning, woman abuse, and community resources are included in the information package.

The partner of DVC participants was contacted in 84 percent of the cases; in 13 percent of cases the partner could not be located. Services and ongoing contact were refused by 12 percent of the partners contacted, while 74 percent accepted additional service. A further 14 percent of those contacted received an information package and letters informing them of their partner's acceptance or discharge from the program; these partners were not contacted by telephone, but by correspondence only. Of the partners who accepted some service, 90 percent maintained telephone contact with the partner outreach worker and 15 percent attended the drop-in group program (data not shown in table form). The average number of telephone contacts made by the program, when those cases for which at least one call was successful were considered, is 3.32, with a range of one to sixteen calls. When all cases where contact was made were considered, the average number of telephone contacts per partner was 2.83, with a range of none to sixteen.

The referral process does not always operate as intended. Not all probation officers send the referral intake form, or do not send it in a timely fashion. This happens reasonably frequently. Sometimes the offender contacts the program before the information is sent, thereby requiring that the Manager call the probation officer to request the information, a task that can be time-consuming. This situation has improved since the program has had representation on the Partner Assault Support Team (described in Chapter 4).

There is inconsistency in the information provided on the incident that resulted in the referral. Although almost all probation orders are obtained, only about 70 percent of the police reports are forwarded to the program. It would be preferable to receive the police reports before the initial interview of the offender but this rarely happens. The program would also like to receive information on earlier offences. However, overall enough information is received on DVC referrals; rather, timeliness is the issue.

Another problem is that some probation orders state that the offender should attend anger management or counselling as directed by the probation officer, rather than specifying New Directions; it is then left to the discretion of the officer to decide whether New Directions will be selected. Probation officers have been instructed that all domestic violence cases should be referred to New Directions but this does not always occur. This

problem may have been remedied by Crown practices; in many cases, at sentencing the judge is given a pre-printed form on which referral to New Directions is specified.

Although there is a satisfactory relationship with Probation and Parole, program staff expressed concern that not all probation officers are consistent in their approach when an offender fails to comply with the program requirements. That is, some probation officers are unwilling to breach offenders for non-compliance; it appears that this is an issue of probation officer discretion. Inconsistency in the laying of breach charges has resulted in what was referred to as a “gap” in the system – the Crown's Office, probation, the police, and the program should work together to hold domestic violence offenders accountable. If there is no consequence for non-compliance, then offenders can shirk responsibility for their actions. As a result of this concern, on a monthly basis the Acting Manager compiles a list of offenders who fail to comply and presents it at the PAST meeting along with a request to obtain information on the action taken in each case. Program staff interviewed recommended that Probation and Parole Services implement a policy whereby breach charges are automatically laid when an offender fails to comply with the program.

As result of a change in Crown practices, part way through the operation of the DVC Project, some accused persons entered into a peace bond with a condition to attend New Directions. At first the program only learned of these cases when the person contacted the program; it is likely that some offenders never attended the program and the program had no way of determining this. This gap has been remedied. The Crown's Office now provides the program with the names of accused with peace bonds every week – if the person does not attend, the Manager informs the Crown's Office. However, program staff expressed concern that there is little means of enforcing the peace bond. In these cases, the offender is directed to contact an assigned police officer upon completion of the program. Problems arise in cases of non-compliance, as there is no one to hold the offender accountable. In at least one instance, program staff attempted to contact the assigned police officer to no avail.

In order for the DVC Project to work effectively, it was recommended that the inter-relationships among all components, including Probation and Parole, need to be regularly monitored and assessed.

Finally, the caseload at New Directions has increased considerably. Thus far, the program has been able to cope with the increase in volume. However, funding is inadequate and New Directions would be unable to operate at its present service level if Catholic Family Services did not contribute by covering overhead expenses and contract staff wages. The amount provided by the Ministry (\$450 per client) is inadequate for partner outreach services and does not cover administrative costs.

Only 57 percent of the DVC clients paid the total amount of their assessed fee-for-service. The average fee requested, \$161, is considerably lower than the fee required by other programs; the fee is established on a sliding scale according to income (see Table

8.21). The agency actually received an average of \$118 per DVC client. The lower assessed fee is due to the low income of the offenders referred to New Directions – 65 percent earned less than \$20,000 a year, and 31 percent were unemployed.

A Profile of Ottawa Clients

Demographic and social information are available for 352 offenders.

As noted above, almost two-thirds of the New Directions clients reported an annual income of less than \$20,000. Consistent with this low income level, only 60 percent were employed and 24 percent reported public assistance as their main source of income. Almost 40 percent of the clients did not complete high school, 37 percent had a minimum of some university or college education. About 85 percent of clients reported English or French as their main language.

At the time of the offence, one-third of the New Directions clients lived with just the victim of the offence and 38 percent lived with the victim and children. In 36 percent of the cases, a child witnessed the abuse. At the time of intake, 36 percent of the offenders were required by court order to refrain from contacting the victim, while 34 percent lived together. At the time of completing the program, 23 percent of the offenders were still subject to a non-association order, 22 percent had contact with their partner that was not intimate in nature (e.g., contact regarding the children), and 40 percent were living with their partner.

With regard to pre-offence domestic violence:

- In one-fifth of the cases, program participants reported that the police had been called for a domestic dispute in which no charges were laid.
- Almost 18 percent of the offenders had previous charges for an assault against the same victim.
- The same proportion had previous charges for an assault against another female victim.
- Just over one out of ten had a prior peace bond for a domestic assault.

Only a small proportion of the offenders had sought family counselling in the past year and even fewer had been to counselling for domestic violence. Although drugs or alcohol had been involved in the referral offence in 49 percent of the cases, only 14 percent of the offenders reported having a current substance abuse problem and 10 percent had received substance abuse treatment in the year prior to their treatment at New Directions.

4. London

The domestic violence program affiliated with the DVC Project in London is called Changing Ways. This non-profit program is not affiliated with any other agency.

Paid staff of Changing Ways include an Executive Director and Program Manager (each of whom also works half-time as Program Counsellors), a full-time female Women's Advocate, a full-time and a part-time Program Counsellor, a full-time Administrative Coordinator, and a part-time Volunteer Coordinator. The Executive Director, the Program Manager, and a part-time Program Counsellor are male. The full-time Program Counsellor is a woman.

The program also has staff who are paid through other organizations, including a full-time Public Education and Advocacy Outreach worker and a full-time Research Coordinator. There are also three day a week positions that are funded through Western Works, a joint collaboration between United Way and the University of Western Ontario. The students assist by co-facilitating groups, conducting assessments, assisting with partner outreach, and providing administrative support. The agency also uses volunteers who have a minimum of a Bachelor's degree in the social sciences.

The Changing Ways program has a feminist philosophy of woman abuse and employs a cognitive-educational approach of education and skill-based learning, with role-playing. Program delivery is based on adult education techniques. The goal of the program is to have one male and one female facilitator, with one paid staff person and at least two volunteers per group.

The program consists of three mandatory components: a Basic Education Class, a Consolidation Group, and an Exit Interview. The Basic Education Class is 10 weeks in duration and has open entry so new referrals can join at any time. The Consolidation Group consists of three two-week sections and runs for six weeks; this component is closed to facilitate group cohesiveness. Clients attend one two-hour group session per week. The Exit Interview is a one-time meeting that lasts up to three hours and is used to provide feedback to the client. Individual crisis counselling and referrals to other services are provided upon request.

A client must complete all components of the Changing Ways program within 22 weeks of admittance. Changing Ways can operate three to four Basic Education Classes with a maximum of 100 clients in total, and two Consolidation Groups, with a maximum of 12 clients in each. Although there is no waiting list for the Basic Education Group, given its open entry format, there is an approximate three week wait between the completion of an Education Group and entry into a Consolidation Group.

On average, 12.5 sessions were attended by offenders who began the Changing Ways program. The average number of sessions attended by program completers was 16.8, with 14 the minimum number of sessions attended by a successful participant.

The average time between an offender's initial contact with the program and the assessment interview was 7 days. On average, participants started the program within 14 days of the assessment and completed within 161 days.

Based on data from 83 offenders referred to Changing Ways, 54 percent of the referred offenders completed the program; 29 percent attended at least one session but failed to finish. The completion rate was 65 percent when only those who attended at least one session were included in the calculation. Almost 5 percent were referred but did not attend and the same proportion attended the assessment interview but refused to enter into a participation contract; a further 7 percent of referrals were assessed and agreed to participate but did not attend any sessions. Over half of the offenders who failed to complete (or did not show up for any sessions after they had agreed to participate) were classified as voluntary dropouts, while the second most frequent reason for failure to complete was missing too many sessions (43 percent). The action taken in the case of non-completers was not provided for most offenders.

Only one offender was unable to participate due to a language barrier. In addition, one man was referred back to Probation and Parole because of mental illness and one was referred back mid-program due to substance abuse. During the course of the Project, at least one offender refused to allow partner contact and was therefore refused admittance into the program.

The Women's Advocate contacts the client's partner as well as the victim of the current assault (if different), and any new partner with whom a client becomes involved during program participation. The minimum service provided consists of a letter and a telephone call informing the partner of the client's enrolment status, with an attempt to develop a safety plan and inform the partner of available services. All partners are also informed of the client's completion status (for any reason).

Services offered to partners consist of feedback regarding the client's participation (including information regarding notification of enrolment, participation, attendance/non-attendance, attitude, non-compliance, and/or discharge/completion), as well as safety planning, individual crisis intervention, advocacy, and referrals to other services. Changing Ways provides drop-in group counselling of a short-term nature.

Eighty percent of the partners of offenders were contacted by program staff. Of the partners contacted, only 53 percent were willing to use the services available. Telephone contact was maintained with 59 percent of the partners willing to have contact and 62 percent were referred to community services (data not shown in table form). The average number of calls made per partner was 3.1 when the cases for which at least one call was successfully made were considered. When all cases were considered, including the ten cases in which no telephone call was made, the average number of telephone contacts made was 2.3 per victim.

A copy of the probation order should be immediately forwarded to Changing Ways so that program staff can be aware if an offender does not initiate contact and will have basic information about the referral. While this process initially occurred in only about one-half the cases, referral forms are being received in a more timely fashion since relations with Probation and Parole Services have improved.

A new operational problem has recently arisen; two offenders were referred to the program with their sentence in abeyance until the program was completed. The Executive Director does not feel that the agency or the community is ready for this approach.

Changing Ways staff were not adequately informed about the DVC Project; it is unclear as to whether this situation was due to a change in management at the agency. Staff were under the impression that the Victim/Witness Assistance Program would provide counselling to the partners of offenders referred to the program. Changing Ways is unable to cope with the volume of partner contacts and requests for service, and other community agencies are over-burdened. In addition, the community was under the impression that there would be cultural interpreters available for offenders, and this is not the case.

Community development and consultation were recommended before the implementation of a Domestic Violence Court. Also, it was suggested that adequate community resources and funding be provided to ensure appropriate service to partners of offenders.

Finally, according to interviews, funding is inadequate for the program and does not even approach adequacy for the partner outreach component. Although conclusions must be tentative due to the large amount of missing data (fee payment data were missing in 66 percent, or 44/67 cases), it is not surprising that the Director found funds insufficient, as Changing Ways had the lowest cost-recovery through client fees of any program in this study. Indeed, only one offender paid the full fee, and the average payment made per client was only \$28 (at least the average that was reported to this evaluation), compared to the average amount requested of \$268.

A Profile of London Clients

Of 102 offenders for whom data are available, only half were employed and just under half (49 percent) had incomes of less than \$20,000 annually. In contrast to the relatively high rate of offenders with post-secondary education in the other Project sites, only 11 percent of the offenders in London had some university or college education. However, education data was missing for 45 percent of the sample. English was the main language of the majority of Changing Ways clients (83 percent).

At the time of the offence for which they were referred, 29 percent of the offenders were living with the victim of the offence and 57 percent were living with the victim and

children. In one-third of the cases, there was a child witness to the violence. Only 21 percent of the offenders were prohibited from contacting their partner at the time of program intake. A further 12 percent had no contact for other reasons; 34 percent of the offenders were living with their partner when they began the program, while 14 percent had contact that was non-intimate in nature.

Of the offenders who completed the program, almost 40 percent were living with their partner at the program's end; only 9 percent were not allowed to contact their partner due to a court order.

Data on offenders' past involvement with the justice system was available for about 80 percent of cases; the findings with regard to domestic abuse were as follows:

- Over 40 percent of the offenders had been involved in previous domestic incidents in which no charges had been laid.
- Almost 11 percent had previous charges laid for an offence against the same victim.
- One out of ten had previous charges for an incident involving another victim.
- However, these numbers must be an under-estimate of the actual number of clients with previous charges, as one-third of the offenders admitted to having previously been subject to a peace bond because of a domestic incident.

Only 7 percent of participants had attended family counselling during the year before participation, and 2 percent had been involved with counselling for domestic violence. Only 8 percent of the offenders admitted to a substance abuse problem despite the fact that alcohol or drugs had been involved in the offence in 38 percent of the cases.

5. Hamilton

Catholic Family Services of Hamilton-Wentworth offers the Men's Anti-violence and Abuse Program.

Staff of the program consists of one part-time female counsellor, who both leads and co-facilitates groups, a Program Coordinator, who is also a Primary Leader, and one male counsellor who is on contract to co-facilitate groups. It is the program's goal to have each group facilitated by a male and a female counsellor.

The Men's Anti-violence and Abuse Program has a pro-feminist philosophy and adopts a cognitive-educational approach, with materials adapted from the Duluth model. The program consists of 20 weekly group sessions, which last approximately two hours. Participants are also required to complete an individual assessment session.

The program is divided into two 10-week phases. Originally, new members could join the group at the beginning of each 10-week phase; because of the low number of referrals, the program now accepts new members at the 5-week point. The maximum number of clients per group is 15, with an average attendance of 12.

On average, 14.7 sessions were attended by offenders referred through the DVC Project, with a range of 2 to 19. The average number of sessions attended by offenders who completed the program was 18.6.

The offender contacted the program within one day of the program's notification of the referral on average. The offenders were assessed within an average of 9 days of making contact with the program, while the average time between assessment and starting the program was 59 days. The average time to complete the program was 166 days.

According to the data provided, almost 73 percent of the offenders referred to the program completed. Of the three men who failed to complete, two dropped out and one was expelled by the program. These cases were all referred back to the probation liaison officer.

Partners of clients are contacted by staff at Martha House, a local shelter. Services available to partners include general information regarding acceptance, participation, and attendance, as well as support groups, individual counselling, safety planning, and residential services. The partner of 73 percent of the clients was contacted; in three cases the partner could not be located. Of the partners contacted, all were telephoned at least once. The forms provided indicated that 88 percent of the partners contacted received telephone services of some kind. Overall, the average number of calls made was 1.75, with a range of one to two calls.

The primary problem faced by the program is the low rate of referrals. It was suggested that the low number of referrals occurred for a variety of reasons. First, the Crown's Office has been under-staffed and designated Crowns are not always present in the courtroom at sentencing to recommend that the offender attend the Men's Anti-violence and Abuse Program. Second, Probation and Parole Services has a long-standing contract with another service provider. Judges and probation officers may prefer the other service because they are familiar with the counselling centre, the program offered is shorter, and the offenders do not have to pay for treatment.

Action has been taken to address these problems. First, it appears the Crowns are completing the necessary forms to refer offenders to Catholic Family Services. Second, CFS information pamphlets were developed and made available to the judiciary. The number of referrals through Probation and Parole Services is said to be improving.

A Profile of Hamilton Clients

Social and demographic information was available for eleven offenders.

Almost all participants (91 percent) identified English as their main language. The same percentage was employed. Just over 36 percent of the clients had an annual income of less than \$20,000 and almost 64 percent had a high school education or less.

In most cases, the program fees were paid in full. The average fee requested was \$391 and the average amount received was \$302.

Most of the offenders (82 percent) were under a court order to have no contact with the victim at the time of program entry, while the remainder were living with their partner.

At the time of the offence, 27 percent of the offenders were living alone with the victim and 54 percent were living with their partner and children. Children witnessed abuse in 46 percent of the cases. At the time of program completion, half of the offenders were prohibited from contacting their partner due to a court order, 25 percent were living with their partner, and one offender had contact that was not romantic in nature.

Only one offender reported involvement in a previous domestic incident in which no charges had been laid. However, two had previous charges for an offence involving the same victim and one person had previous charges against another partner. None of the offenders had been subject to a peace bond for a domestic incident.

One participant had attended family counselling in the year before participation at CFS; none had attended counselling for domestic violence. Although 27 percent of the offenders reported a substance abuse problem, none had sought treatment in the past year. In 36 percent of the cases, alcohol or drugs was consumed by the offender before the incident.

Implementation and Operational Issues

One issue common to most programs, Ottawa being the exception, is a lower than expected referral rate. A number of possible reasons for under-utilization of the programs have been put forward, including: a paucity of offenders agreeing to participate in the early intervention projects; judicial and probation officer discretion in referring offenders to domestic violence programs as opposed to other programs; and, slower than anticipated education of Crowns to request participation in an abusive men's program.

Another issue is the funding of the programs. Representatives of several programs said that the amount allocated for an offender's participation does not cover the expenses incurred. In particular, there is concern that the amount is inadequate to provide proper victim contact and service. During victim interviews done for this evaluation (Chapter 7), it was found that not all victims were contacted in a timely fashion and some reported not being contacted at all. According to the information provided by the programs, the only reason partners were not contacted was because they could not be located.

The relationship between the programs and Probation and Parole Services has been of concern because of: timeliness and completeness of information received; being informed when breach charges are laid; laying breach charges when the offender does not comply with the abusive men's program; and, how to ensure an offender and victim receive adequate service in the case of a breach or termination.

These issues affect the functioning of the abusive men's programs to different degrees. Most programs have accommodated the low rate of referrals (e.g., by placing DVC clients with other clients). Programs that do not have fully cooperative relationships with Probation and Parole Services are working to rectify information sharing and other difficulties. The one issue that the programs continue to struggle with is the lack of resources. This situation, particularly with respect to the maintenance of contacts with victims, should be closely monitored.

The Characteristics of Program Participants and Program Process

1. Social and Demographic Characteristics

Social and demographic information for offenders, by site, is provided in Tables 8.1 to 8.15, at the end of this section.

The average age of participants was 36 years, with the youngest participant 19 years and the oldest 71 years of age. The age of offenders did not differ by program. Table 8.1 shows that the overwhelming majority (80 percent) of program participants identified English as their main language. Over half (64 percent) of the total sample was employed, while 23 percent were unemployed (Table 8.2). Offenders in Ottawa and London were less likely to be employed than were offenders from the other program sites.⁴

One-third of the program participants had not completed high school, 24 percent were high school graduates, and 32 percent had attended university or college (Table 8.3). Over half of the sample (53 percent) had an annual income of less than \$20,000 and only 13 percent had an income of \$40,000 or over. The proportion of offenders falling into low (< \$20,000), medium (\$20,000 - \$39,999) and high (\$40,000 +) income ranges differed across the programs (Table 8.4). Offenders from Ottawa were more likely to fall into the low income bracket compared to offenders from Peel and Durham. Ottawa and London both had proportionately more cases falling into the medium income bracket and fewer in the highest income range. The main source of income was employment; Ottawa and London participants were more likely to be out of the labour force (Table 8.5).

At the time of the offence, 32 percent of the offenders resided with the victim alone; 11 percent lived with the victim and at least one child; 26 percent of the offenders lived separately from the victim of the offence. A child witnessed violence in over one-third of the cases (Table 8.6).

At the time of intake into the abusive men's program, 38 percent of the offenders were under court order prohibiting contact with the victim of the offence (Table 8.7). Five percent of the offenders had no contact for other reasons, 42 percent were in an intimate relationship, and 12 percent had contact for reasons other than an intimate relationship. Only eleven percent of offenders were in a new relationship when they entered the program.

The proportion of offenders who were in an intimate relationship at the time of program completion is close to the proportion in such a relationship at intake. Most Peel offenders were in an intimate relationship with their victim, compared to one half or less of offenders in the other sites (Table 8.8).

⁴ chi-square = 24.72, df = 4, p < .01.

The offenders' self-reported history of domestic violence is presented in Tables 8.9 to 8.11. Over one-quarter of the offenders had been involved in a domestic dispute in which the police had been called but no charges laid. There were variations by site in the likelihood of previous police calls with no charges.⁵ Offenders from the Ottawa program were less likely to have been involved in a domestic dispute with no charges compared to offenders from the Peel, Durlam, and London programs. Hamilton offenders were least likely to report police contact for domestic violence where no charges were laid. On the other hand, offenders from Ottawa were more likely to have prior charges for an offence against the same victim (18 percent) than were offenders from Peel and Durham; 5 percent of Peel and 7 percent of Durham offenders reported that they had been charged in the past.⁶

When information from all programs were combined, 14 percent of offenders had previous charges relating to the same victim. The same proportion had previous charges for an offence against a different victim. Offenders from Ottawa had a somewhat greater likelihood of having previous charges involving another victim. Twelve percent of program participants had been subject to a peace bond for a domestic incident.

Alcohol or drugs was involved in the offence in 44 percent of the cases, though only 12 percent of the offenders admitted to having a current substance abuse problem and few offenders reported recent substance abuse treatment (Table 8.12). Compared to offenders in London and Ottawa, offenders in Durham were less likely to have been under the influence of alcohol or drugs at the time of the offence.⁷

In the year before referral to the abusive men's program, few participants had sought treatment for a mental health problem, an anger management problem, domestic violence, or family counselling (Tables 8.13 to 8.15).

⁵ chi-square = 22.22, df = 4, p<.01.

⁶ chi-square = 11.27, df = 4, p<.05.

⁷ chi-square = 9.62, df = 4, p<.05.

Table 8.1 Main Language of Program Participants

Main language	Early intervention sites		Coordinated prosecution sites		
	Peel	Durham	Ottawa	London	Hamilton
English	74.4 32	96.6 84	74.7 263	83.3 85	90.9 10
French	0	0	11.4 40	0	0
East Asian	0	0	4.3 15	1.0 1	9.1 1
South Asian	9.3 4	1.1 1	1.1 4	0	0
Spanish, Italian, Portuguese	4.6 2	1.1 1	2.0 7	4.9 5	0
Eastern European	2.3 1	0	1.7 6	1.0 1	0
Middle Eastern	2.3 1	1.1 1	2.3 8	1.0 1	0
First Nations	0	0	0.8 3	0	0
African language	0	0	0.8 3	0	0
Other	0	0	0.3 1	2.0 2	0
Not known	7.0 3	0	0.6 2	6.9 7	0
Total percent	99.9	99.9	100.0	100.1	100.0
Number	43	87	352	102	11

Table 8.2 Employment Status

Employment status¹	Early intervention sites		Coordinated prosecution sites		
	Peel	Durham	Ottawa	London	Hamilton
Employed	81.4 35	82.8 72	59.9 211	50.0 51	90.9 10
Unemployed	4.7 2	6.9 6	31.0 109	17.6 18	9.1 1
Student	4.7 2	2.3 2	4.5 16	1.0 1	0
Retired	4.7 2	1.1 1	1.4 5	1.0 1	0
Disability	4.7 2	3.4 3	2.6 9	8.8 9	0
Homemaker	0	0	0	1.0 1	0
Other	0	3.4 3	.6 2	1.0 1	0
Not known	0	0	0	19.6 20	0
Total percent	100.2	99.9	100.0	100.0	100.0
Number	43	87	352	102	11

¹ chi-square =24.72, df = 4, p< .01; for employed and unemployed, with unemployed including all groups other than employed and the not known cases.

Table 8.3 Education Level

Education Level	Early intervention sites		Coordinated prosecution sites		
	Peel	Durham	Ottawa	London	Hamilton
Grade school	7.0 3	5.7 5	8.2 29	5.9 6	9.1 1
Some high school	25.6 11	26.4 23	30.7 108	20.6 21	27.3 3
High school graduate	27.9 12	32.2 28	23.6 83	17.6 18	27.3 3
Some college/university	23.2 10	16.1 14	17.0 60	7.8 8	36.4 4
College/university graduate	14.0 6	19.5 17	19.9 70	2.9 3	0
Not known	2.3 1	0	.6 2	45.1 46	0
Total percent	100.0	99.9	100.0	99.9	100.1
Number	43	87	352	102	11

Table 8.4 Income Level

Income level¹	Early intervention sites		Coordinated prosecution sites		
	Peel	Durham	Ottawa	London	Hamilton
Less than 10,000	9.3 4	13.8 12	37.8 133	29.4 30	9.1 1
10,000 - 19,999	14.0 6	12.6 11	27.0 95	19.6 20	27.3 3
20,000 - 29,999	23.2 10	20.7 18	15.0 53	14.7 15	18.2 2
30,000 - 39,999	11.6 5	18.4 16	11.1 39	4.9 5	27.3 3
40,000 - 49,999	16.3 7	16.1 14	4.5 16	3.9 4	9.1 1
50,000 +	16.3 7	13.8 12	4.3 15	1.0 1	9.1 1
Not known	9.3 4	4.6 4	0.3 1	26.5 27	0
Total percent	100.0	100.0	100.0	100.0	100.1
Number	43	87	352	102	11

¹ chi-square = 73.57, df = 8, p< .01; categories reclassified into low (< \$20, 000), medium (\$20,000 - \$39,999), and high (\$40,000+) income ranges, and excluding the not known cases.

Table 8.5 Income Source

Main income source	Early intervention sites		Coordinated prosecution sites		
	Peel	Durham	Ottawa	London	Hamilton
Employment	81.4 35	80.4 70	58.5 206	50.0 51	90.9 10
Public assistance	2.3 1	3.4 3	24.1 85	11.8 12	9.1 1
Unemployment insurance	2.3 1	4.6 4	4.3 15	1.0 1	0
Employment pension	2.3 1	2.3 2	0.6 2	1.0 1	0
Disability pension or workers compensation	2.3 1	3.4 3	3.1 11	4.9 5	0
Other e.g., living off partner's/parent's income	4.7 2	3.4 3	4.5 16	6.9 7	0
Not known	4.7 2	2.3 2	4.8 17	24.5 25	0
Total percent	100.0	99.8	99.9	100.1	100.0
Number	43	87	352	102	11

Table 8.6 Living Arrangement at Offence

	Early intervention sites		Coordinated prosecution sites		
Living arrangement at offence	Peel	Durham	Ottawa	London	Hamilton
With victim	36.6 15	28.6 24	33.1 116	29.0 27	27.3 3
With victim and children	34.1 14	42.9 36	38.3 134	57.0 53	54.5 6
Alone or with someone else	29.3 12	28.6 24	28.3 99	11.8 11	18.2 2
Other	0 0	0 0	0.3 1	2.2 2	0 0
Total percent	100.0	100.1	100.0	100.0	100.0
Number	41	84	350	93	11
Children witness abuse?					
Yes	36.6 15	43.5 37	36.5 127	33.0 32	45.5 5
No	63.4 26	56.5 48	63.5 221	67.0 65	54.5 6
Total percent	100.0	100.0	100.0	100.0	100.0
Number	41	85	348	97	11

Table 8.7 Offender-Victim Relationship Status at Intake

Relationship status at intake	Early intervention sites		Coordinated prosecution sites		
	Peel	Durham	Ottawa	London	Hamilton
No contact, court ordered	31.6 12	66.3 57	35.7 125	20.8 20	81.8 9
No contact, other	5.3 2	1.2 1	4.3 15	12.5 12	0
Intimate, not residing together	10.5 4	7.0 6	10.9 38	10.4 10	0
Residing together	47.4 18	15.1 13	34.3 120	34.4 33	18.2 2
Contact, non-romantic	2.6 1	8.1 7	11.7 41	21.9 21	0
Other	2.6 1	2.3 2	3.1 11	0	0
Total percent	100.0	100.0	100.0	100.0	100.0
Number	38	86	350	96	11
Another partner at intake?					
Yes, dating	2.7 1	2.3 2	4.9 17	2.2 2	0
Yes, living together	0	2.3 2	6.9 24	4.4 4	0
No	97.3 36	95.3 82	86.0 300	90.0 81	100.0 10
Other	0	0	2.3 8	3.3 3	0
Total percent	100.0	99.9	100.1	99.9	100.0
Number	37	86	349	90	10

Table 8.8 Offender-Victim Relationship Status at Program Completion

	Early intervention sites		Coordinated prosecution sites		
Relationship status at program completion	Peel	Durham	Ottawa	London	Hamilton
No contact, court ordered	3.0 1	11.6 8	23.1 40	9.3 4	50.0 4
No contact, other reason	3.0 1	5.8 4	5.8 10	9.3 4	0
Intimate relationship, not residing together	3.0 1	5.8 4	6.4 11	0	0
Intimate relationship, residing together	66.7 22	30.4 21	39.9 69	39.5 17	25.0 2
Contact, non-romantic	6.1 2	17.4 12	22.0 38	14.0 6	12.5 1
Other	0	0	1.2 2	0	0
Not known	18.2 6	29.0 20	1.7 3	27.9 12	12.5 1
Total percent	100.0	100.0	100.1	100.0	100.0
Number	33	69	173	43	8
In a new relationship at program completion?					
Yes	0	8.7 6	8.1 14	7.0 3	0
No	81.8 27	65.2 45	86.7 150	58.1 25	87.5 7
Not known	18.2 6	26.1 18	5.2 9	34.9 15	12.5 1
Total percent	100.0	100.0	100.0	100.0	100.0
Number	33	69	173	43	8

Table 8.9 Prior Police Involvement in Domestic Disputes

	Early intervention sites		Coordinated prosecution sites		
Prior police calls with no charges? ¹	Peel	Durham	Ottawa	London	Hamilton
Yes	35.7 15	37.8 32	20.7 69	40.5 32	9.1 1
No	64.3 27	62.4 53	79.3 264	59.5 47	90.9 10
Total percent	100.0	100.0	100.0	100.0	100.0
Number	42	85	333	79	11

¹ chi-square = 22.22, df = 4, p < .01.

Table 8.10 Domestic Violence History with the Same Victim

	Early intervention sites		Coordinated prosecution sites		
Prior charges with same victim?	Peel	Durham	Ottawa	London	Hamilton
Yes	4.7 2	7.1 6	17.8 62	10.8 9	18.2 2
No	95.3 41	92.9 78	82.2 286	89.2 74	81.8 9
Total percent	100.0	100.0	100.0	100.0	100.0
Number	43	84	348	83	11

chi-square = 11.27, df = 4, p< .05.

Table 8.11 Domestic Violence History with Other Victims and Past Peace Bonds

	Early intervention sites		Coordinated prosecution sites		
Prior charges with another victim? ¹	Peel	Durham	Ottawa	London	Hamilton
Yes	0	10.8 9	18.2 63	9.6 8	9.1 1
No	100.0 43	89.2 74	81.8 284	90.4 75	90.9 10
Total percent	100.0	100.0	100.0	99.9	100.0
Number	43	83	347	83	11
Prior peace bond for domestic offence?					
Yes	4.8 2	3.5 3	11.3 39	32.9 26	0
No	95.2 40	96.5 82	88.7 305	67.1 53	100.0 11
Total percent	100.0	100.0	100.0	100.0	100.0
Number	42	87	344	79	11

¹ chi-square = 13.92, df = 4, p< .01.

Table 8.12 Substance Abuse Problems, Treatment, and Involvement in Current Offence

	Early intervention sites		Coordinated prosecution sites		
Current substance abuse problem?	Peel	Durham	Ottawa	London	Hamilton
Yes	4.7 2	6.9 6	14.5 51	7.8 8	27.3 3
No	90.7 39	89.6 78	84.1 296	41.2 42	72.7 8
Not known	4.7 2	3.4 3	1.4 5	51.0 52	0
Total percent	100.1	99.9	100.0	100.0	100.0
Number	43	87	352	102	11
Treatment for substance abuse in past year?					
Yes	4.7 2	9.2 8	10.5 37	11.8 12	0
No	90.7 39	83.9 73	86.6 305	45.1 46	100.0 11
Not known	4.7 2	6.9 6	2.8 10	43.1 44	0
Total percent	100.1	100.0	99.9	100.0	100.0
Number	43	87	352	102	11
Alcohol/drugs involved in current offence? ¹					
Yes	39.5 17	32.2 28	48.6 171	38.2 39	36.4 4
No	58.1 25	64.4 56	49.4 174	33.3 34	63.6 7
Not known	2.3 1	3.4 3	2.0 7	28.4 29	0
Total percent	99.9	100.0	100.0	99.9	100.0
Number	43	87	352	102	11

¹ chi-square = 9.62, df = 4, p < .05.

Table 8.13 Mental Health Treatment and Problems

	Early intervention sites		Coordinated prosecution sites		
Treatment for mental health problem in past year?	Peel	Durham	Ottawa	London	Hamilton
Yes	4.7 2	5.7 5	8.8 31	0	9.1 1
No	90.7 39	88.5 77	89.2 314	58.8 60	90.9 10
Not known	4.7 2	5.7 5	2.0 7	41.2 42	0
Total percent	100.1	99.9	100.0	100.0	100.0
Number	43	87	352	102	11
Mental health problem ever?					
Yes	4.7 2	3.4 3	9.1 32	2.9 3	0
No	90.7 39	95.4 83	89.2 314	52.0 53	100.0 11
Not known	4.7 2	1.1 1	1.7 6	45.1 46	0
Total percent	100.1	99.9	100.0	100.0	100.0
Number	43	87	352	102	11
Currently on medication for mental health problems?					
Yes	4.7 2	3.4 3	5.4 19	2.9 3	9.1 1
No	95.3 41	93.1 81	92.9 327	51.0 52	90.9 10
Not known	0	3.4 3	1.7 6	46.1 47	0
Total percent	100.0	99.9	100.0	100.0	100.0
Number	43	87	352	102	11

Table 8.14 Anger Management Treatment

	Early intervention sites		Coordinated prosecution sites		
Anger management treatment in past year?	Peel	Durham	Ottawa	London	Hamilton
Yes	7.0 3	8.0 7	6.5 23	7.8 8	9.1 1
No	67.4 29	75.7 66	90.3 318	53.9 55	90.9 10
Not known	25.6 11	16.1 14	3.1 11	38.2 39	0
Total percent	100.0	99.8	99.9	99.9	100.0
Number	43	87	352	102	11

Table 8.15 Family Counselling and Domestic Violence Treatment

	Early intervention sites		Coordinated prosecution sites		
Family counselling in last year?	Peel	Durham	Ottawa	London	Hamilton
Yes	4.7 2	12.6 11	5.1 18	6.9 7	9.1 1
No	69.8 30	72.4 63	92.0 324	53.9 55	90.9 10
Not known	25.6 11	14.9 13	2.8 10	39.2 40	0
Total percent	100.1	99.9	99.9	100.0	100.0
Number	43	87	352	102	11
Domestic violence treatment in last year?					
Yes	7.0 3	3.4 3	1.7 6	2.0 2	0
No	72.1 31	77.0 67	95.2 335	77.5 79	100.0 11
Not known	20.9 9	19.5 17	3.1 11	20.6 21	0
Total percent	100.0	99.9	100.0	100.1	100.0
Number	43	87	352	102	11

2. Program Process

Table 8.16, at the end of this section, shows that there were statistically significant differences among the programs in terms of likelihood of completing the program. Compared to offenders in Ottawa and Hamilton (about 70 percent), and Peel and Durham (85 and 91 percent, respectively), participants of the London program were least likely to complete (54 percent).

The most frequently cited reason for failing to complete the program was that the offender missed too many sessions, followed by voluntary dropouts (Table 8.17). As expected, in Peel and Durham, non-compliant cases or dropouts, were typically referred to the Crown, while in Ottawa and Hamilton, Probation and Parole Services were notified. Information on action taken in case of failures was missing for most London cases (Table 8.18).

Partners of program participants were contacted in 86 percent of the cases (Table 8.19). The percentages of partners contacted by the programs ranged from 73 to 92 percent; the differences tend to be due to the inability to locate the victim and victim refusal. The vast majority of contacts were made over the telephone. The average and median number of telephone and in-person contacts suggest that not all programs are meeting the standard of four contacts per victim as established by the Ministry of the Solicitor General; the average numbers range from 2.1 to 3.6 contacts per victim, and the

medians range from 2 to 3.5 contacts per victim.⁸ This situation could result from poor record keeping⁹ by the programs or poor transmission of program records to this evaluation. It is also possible that some programs are not placing as many staff and volunteer resources into victim contacts as desirable because of funding problems. As we learned from our telephone interviews with victims, it often takes many telephone calls to contact them successfully and many are not reachable during regular office hours. Another possibility is that, after program staff call once or twice, the victims refuse further contact. The Domestic Violence Courts Project approach depends on the abusive men's programs to continue contact after the offender has been found guilty to ensure the victim's safety and to link her with any needed social or other resources available in the community.

Three-quarters of the partners contacted received some form of service, with the most frequent service being telephone contact and the provision of information (Table 8.20).

Fee payment data are displayed in Table 8.21. Most programs – the exception is in Peel Region – require referrals to pay a fee based on a sliding scale according to the client's income. Tests of significance showed that the average fee paid by program completers differed among the programs. The average amount paid by program completers is as follows: Peel, \$355; Durham, \$317; Hamilton, \$302; and Ottawa, \$118. Payment data in London could not be analyzed because of the large amount of missing data. Discussions with London program staff verified that the typical payment is quite low and few offenders pay the full fee.

Somewhat surprisingly, very few program participants were referred to other services by program staff; according to Table 8.22, the percentages range from 6 to 9 percent.

⁸ This range was calculated from Table 8.19 by combining the average number of telephone and in-person contacts.

⁹ Some abusive men's programs have drop-in meetings for partners and former partners of their clients; it may well be that program staff do not necessarily record the identities of the victims who participate in these informal meetings.

Table 8.16 Completion Status

Completion status	Early intervention sites		Coordinated prosecution sites		
	Peel	Durham	Ottawa	London	Hamilton
Didn't attend assessment	0	0	3.6 11	4.8 4	0
Assessed but didn't attend group sessions	0	0	6.9 21	7.2 6	0
Refused to participate	0	0	3.0 9	4.8 4	0
Dropout	14.6 7	6.4 10	11.1 34	28.9 24	27.3 3
Completed	85.4 41	66.0 103	58.7 179	54.2 45	72.7 8
Assessed, status unknown e.g., in program	0	27.5 43	13.1 51	0	0
Total percent	100.0	100.0	100.0	99.9	100.0
Number	48	156	305	83	11
Completion status, excluding those still in the program¹					
Completed	85.4 41	91.2 103	70.5 179	54.2 45	72.7 8
Didn't complete, didn't attend assessment, dropout, etc.	14.8 7	8.8 10	29.5 75	45.8 38	27.3 3
Total percent	100.0	100.0	100.0	100.0	100.0
Number	48	113	254	83	11

¹ chi-square = 31.08, df = 4, p < .01

Table 8.17 Reasons for Failure to Complete

	Early intervention sites		Coordinated prosecution sites		
	Peel	Durham	Ottawa	London	Hamilton
Reason for failure (includes dropouts and assessed but didn't attend)	N=7	N=4	N=54	N=30	N=3
Moved	0	0	7.4 4	6.7 2	0
Dropped out	28.6 2	0	5.6 3	53.3 16	66.7 2
Missed too many sessions	14.3 1	25.0 1	48.1 26	43.3 13	0
Low participation	0	25.0 1	7.4 4	6.7 2	0
Disruptive	0	0	18.5 10	3.3 1	0
Substance abuse	0	0	3.7 2	0	0
New domestic charges	28.6 2	25.0 1	7.4 4	3.3 1	0
Other charges	14.3 1	0	0	0	0
Jailed	0	25.0 1	1.8 1	0	0
Reoffended, no charges	0	25.0 1	1.8 1	0	0
Breached conditions/probation	14.3 1	0	0	3.3 1	0
Other; work conflict, offender changed plea, probation expired	14.3 1	0	14.8 12	6.7 2	0
Program decision	0	0	0	0	33.3 1

Table 8.18 Outcome of the Offender's Failure to Complete Program

	Early intervention sites		Coordinated prosecution sites		
	Peel	Durham	Ottawa	London	Hamilton
Results of failure	N=7	N=4	N=54	N=30	N=3
Referred to Crown/courts	57.1 4	75.0 3	3.7 2	0	0
Referred to probation	0	0	77.8 42	10.0 3	100.0 3
Breach charge laid ¹⁰	0	25.0 1	0.0	3.3 1	0.0
No action taken	0	0	0	13.3 4	0

¹⁰

In most cases, the program staff would not be aware if a breach charge was laid by probation.

Other outcome	14.3 1	0	11.1 6	3.3 1	0
Not known	28.6 2	25.0 1	7.4 4	70.0 21	0

Table 8.19 Partner (Victim) Contacts by the Abusive Men's Programs

	Early intervention sites		Coordinated prosecution sites		
Did program contact partner?	Peel	Durham	Ottawa	London	Hamilton
Yes	91.9 34	88.9 64	83.6 188	79.5 58	72.7 8
No, could not locate	8.1 3	4.2 3	12.9 29	19.2 14	27.3 3
No, other reason	0	6.9 5	3.6 8	1.4 1	0
Total percent	100.0	100.0	100.1	100.1	100.0
Number of cases	37	72	225	73	11
All cases, including those never contacted					
Average number of telephone contacts	3.3	3.3	2.8	2.3	1.75
Range	1-7	0-20	0-16	0-8	1-2
Median number of phone contacts	3.5	3	2	2	2
Average number of in-person contacts	0.12	0.28	0.38	0.55	0.38
Range	0-2	0-10	0-7	0-2	0-1
Median number of in-person contacts	0	0	0	0	0
Number of cases	34	62	188	40	8
Cases for which 1+ successful contact was made					
Average number of telephone contacts	3.3	3.4	3.3	3.1	1.75
Range	1-7	1-20	1-16	1-8	1-2
Median number of phone contacts	3.5	3	3	3	2
Number of cases	34	60	160	30	8

Table 8.20 Services Provided to Partners (Victims) by the Programs

	Early intervention sites		Coordinated prosecution sites		
Any services provided?	Peel	Durham	Ottawa	London	Hamilton
No, partner refused services	11.8 4	0	11.8 22	15.5 9	12.5 1
No, no timely services available to meet needs	2.9 1	1.6 1	0	0	0
Some services provided	85.3 29	93.8 60	73.9 139	53.4 32	87.5 7
Other response/Information package	0	1.6 1	14.4 27	0	0
Not known	0	3.1 2	0	31.0 18	0
Total percent	100.0	100.1	100.1	100.0	100.0
Number	34	64	188	58	8

Table 8.21 Fees Requested of and Paid by Offenders

	Early intervention sites		Coordinated prosecution sites		
Fee paid in full? ¹	Peel	Durham	Ottawa	London	Hamilton
Yes	76.9 30	71.2 52	57.3 129	1.5 1	81.8 9
No	12.8 5	16.4 12	42.7 96	32.8 22	18.2 2
Not known	10.3 4	12.3 9	0	65.7 44	0
Total percent	100.0	99.9	100.0	100.0	100.0
Number	39	73	225	67	11
Average fee requested	\$396.49	\$317.69	\$161.48	\$267.63	\$390.91
Range	100-425	100-1100	18-630	17-850	100-670
Average fee paid ²	\$355.00	\$316.61	\$117.87	\$28.00	\$302.27
Range	50-425	0-1100	0-600	0-184	35-570

¹ chi-square = 29.32, df = 4, p < .01.² F = 24.89, df = 4, p < .01.

Table 8.22 Referral of Offenders to Services

	Early intervention sites		Coordinated prosecution sites		
Referral made to other service?	Peel	Durham	Ottawa	London	Hamilton
Yes	7.7 3	5.5 4	8.2 17	6.0 4	9.1 1
No	82.0 32	89.0 65	91.8 190	73.1 49	90.9 10
Not known	10.3 4	5.5 4	0	20.9 14	0
Total percent	100.0	100.0	100.0	100.0	100.0
Number	39	73	207	67	11
Type of referral					
Addictions	100.0 3	0	5.9 1	25.0 1	0
Individual counselling	0	25.0 1	17.6 3	25.0 1	100.0 1
Couples counselling	0	0	5.9 1	50.0 2	0
Parenting lessons	0	0	17.6 3	0	0
Literacy	0	25.0 1	29.4 5	0	0
Other	0	25.0 1	11.8 2	0	0
Not known	0	25.0 1	11.8 2	0	0
Total percent	100.0	100.0	100.0	100.0	100.0
Number	3	4	17	4	1

Partner-completed Abusive Behaviour Questionnaires

All eight abusive men's programs were asked to administer a behaviour checklist to referrals from the Domestic Violence Courts Project at intake and again at the last session. The checklist, termed the Abusive Behaviour Questionnaire (ABQ), contained items relating to emotional, psychological, sexual, and physical abuse. The intent was to compare the findings of the offender-completed checklists with those of their partners who had been asked the same questions during victim interviews. This section presents the findings from the comparisons between the two sources of information on abusive behaviour perpetrated by the offenders in the abusive men's programs.

Complete data (Pre- and Post-program forms for both offender and partner) were available for ten cases.

1. The Association between Partner and Offender Reports of Abuse

The analysis first addressed the degree to which there was correspondence between the abuse that the program participants reported and the abuse their partners reported. The data were analyzed in two ways.¹¹

First, correlation coefficients were computed to assess the level of association between the participant and partner scores.¹² The results indicated virtually no association between the partner- and offender-completed forms. The correlations between the scores on the Pre-program ABQ Total score, and Physical and Emotional Abuse subscales were not significant, indicating little relationship between scores of the offenders and their partners. The correlation for the Sexual Abuse subscale was significant, indicating a higher degree of correspondence on the Sexual Abuse items.¹³ No significant relationships were found when the post-program scores were examined. This means that there was no linear relationship between what the ten participants and their partners reported on the Post-program ABQ Total score and all subscales.

Second, paired t-tests were performed to determine the difference between the participants' and partners' scores on the ABQ; these tests were used to determine if the

¹¹ It is important to note that small, statistically non-significant differences may occur within and between samples for a variety of reasons, including measurement error. This is particularly likely in the case of self-reported data, as it is relatively easy for respondents to make mistakes when recording their responses and there is no way for the mistake to be corrected at the data entry or analysis stage.

¹² Pearson-product moment correlation coefficients are a measure of association that range from 0, indicating no association, to 1, indicating a perfect association. The value can be positive or negative. A negative value represents an inverse relationship between the two scores (i.e., as one goes up, the other goes down).

¹³ $r = .75, p < .01$. Neither offenders nor their partners reported sexual abuse with any frequency.

average responses on the subscales and the total scores differed significantly. As can be seen from Table 8.23, the amount of abuse reported by the partners differed from that reported by the offenders. The mean score on the partner-completed Pre-program Total scale was 59, while the mean score of the offenders was 9.¹⁴ It was found that at the pre-test, the partners reported significantly more emotional abuse than did the offenders.¹⁵ The Physical Abuse subscale difference did not reach statistical significance, though there was a trend toward partners reporting more physical abuse.¹⁶ No differences were found on the Sexual Abuse subscale.

The partner and offender Post-program total scores did not differ significantly; the average score was 14 for partners and 8 for offenders. When the individual subscales were examined, no statistically significant differences were found between the partner and participant reports.

Table 8.23 Partner and Offender Paired Mean Scores on the Abusive Behaviour Questionnaire

Abusive Behaviour Questionnaire	Partner data Mean (SD)	Offender data Mean (SD)
Emotional Abuse Subscale		
Pre-test mean score ¹	37.80 (24.72)	4.80 (2.97)
Post-test mean score	14.10 (16.72)	6.00(5.20)
Physical Abuse Subscale		
Pre-test mean score ²	19.00 (22.27)	4.20 (2.53)
Post-test mean score	0.10 (0.32)	1.15 (3.17)
Sexual Abuse Subscale		
Pre-test mean score	2.00 (3.97)	0.30 (0.48)
Post-test mean score	0.00 (0.00)	0.40 (1.26)
Total Score		
Pre-test mean score ³	58.80 (41.49)	9.30 (4.35)
Post-test mean score	14.20 (16.68)	7.90 (9.54)

¹ $t = -4.19$, $df = 9$, $p < .01$.

² $t = -2.08$, $df = 9$, $p = .06$.

³ $t = -3.73$, $df = 9$, $p < .01$.

In conclusion, the partners of the program participants reported significantly more abuse overall, and more emotional abuse in the six months before participation than the offenders self-reported. There was a trend toward higher reports of physical violence by the partners as well. There were no differences between the couples' reports of abuse at the post-program phase. It therefore appears that the offenders under-represented the amount of abuse they perpetrated before beginning the program. These results are

¹⁴ $t = -3.73$, $df = 9$, $p < .01$.

¹⁵ $t = -4.19$, $df = 9$, $p < .01$.

¹⁶ It is likely that the difference did not reach statistical significance because of the small numbers ($N = 10$).

consistent with findings from other studies that compared self-reported abuse by men and their spouses. The fact that no significant differences were found when the partner and participant post-program scores were compared might be indicative of less minimization by program participants at the end of the treatment program. However, this interpretation must be tentative, as correlation analyses found no significant relationship between the participant and partner scores at either testing period.

2. Did Partners Report Changes in Offenders' Abusive Behaviour?

When the partner-completed Abusive Behaviour Questionnaires were examined for change from the pre-program to the post-program assessment, significant reductions were found for the Emotional and Physical Abuse subscales, as well as for the total score.¹⁷ The means and standard deviations for these analyses are shown in Table 8.23. Analysis of the Sexual Abuse subscale could not be performed due to the lack of variance in the post-program scores.

Analysis of the offender scores revealed no statistically significant reductions on the total score or the Emotional and Sexual Abuse subscales. However, the men did report significant reductions in physical abuse.¹⁸

The main objective of abusive men's programs is, of course, to reduce – indeed, eliminate – psychological, sexual and physical abuse. Analysis of the partner-completed Abusive Behaviour Questionnaires indicates reductions in the experience of physical and emotional abuse during the time the participants were in the program. The offender-reported data showed significant reductions only on the Physical Abuse subscale. It is not surprising that this discrepancy between partners and offenders occurred, as overall, initial levels of abuse were under-reported by offenders. In other words, if a man does not report a high level of abuse initially, then it is difficult to show significant reductions in such behaviour, as there is nothing (at least according to the self-reports) to reduce.

¹⁷ $F = 12.78$, $df = 9,1$, $p < .01$, for Emotional Abuse subscale; $F = 7.16$, $df = 9,1$, $p < .05$, for Physical Abuse subscale; $F = 14.57$, $df = 9,1$, $p < .01$, for Total score.

¹⁸ $F = 5.46$, $df = 9,1$, $p < .05$.

3. Summary

The correspondence analyses in this section were performed on a particular sub-sample. That is, paired data were available for couples who were non-transient (e.g., their telephone number remained the same), who stayed together, and whose partners agreed to be contacted. While that the offender ABQ scores from the paired sub-sample did not differ significantly from the scores of the offenders for whom there was not paired data, it is possible that these couples were different from those who could not or who refused to be contacted. Therefore, the results of this analysis cannot be generalized to the total sample. The conclusions drawn from these analyses are tentative at best, due to the small numbers involved.

However, to the extent that the results can be interpreted, according to the partners, the men with whom they were in a relationship reduced perpetration of emotional and physical abuse while they were in the program, compared to the six months preceding program participation. The men also reported reductions in perpetration of physical abuse. Interestingly, however, when correlation analysis was performed, there was little direct relationship between what the offenders and their partners reported.

Offender Reports of Abusive Behaviour

Evaluation of the effect of abusive men's programs is an extremely difficult task, as it requires that the offender self-report behaviour that is not simply socially undesirable, but also illegal (at least in the case of physical abuse). Although this research attempted to provide partner-reported estimates of the amount of abuse perpetrated by the offenders, as shown in the last section, information from paired couples was rare. Furthermore, given the results of analyses on the partner-reported data, interpretations of the offender-reports of abuse must be extremely cautious, as they were probably under-estimates of actual abusive behaviour, at least at the pre-program assessment period.

Analyses of variance for repeated measures were performed to determine whether self-reported abusive behaviours changed from the first assessment (pre-test) to the second (post-assessment), with abusive behaviour being measured by the Abusive Behaviour Questionnaire. The research questions addressed are:

1. Was there any change in self-reported abusive behaviour over time, when data from all the Project programs were combined?
2. Was there any change in self-reported abusive behaviour in any of the individual program sites?
3. Did scores differ across programs in the pre-program period?

Changes in the total score and in each of the Emotional, Physical, and Sexual Abuse subscales were examined. These analyses included only those cases for which there was both a Pre- and a Post-program Abusive Behaviour Questionnaire (N=185). The means and standard deviations for the Abusive Behaviour Questionnaire and subscales are shown in Table 8.24, by site.

Table 8.24 Mean Scores for the Abusive Behaviour Questionnaire, Offender Self-report, by Site

Abusive Behaviour Questionnaire	Peel Mean (SD)	Durham Mean (SD)	Ottawa Mean (SD)	London Mean (SD)	Hamilton Mean (SD)	Total Mean (SD)
Emotional Abuse Subscale						
Pre-test mean score	7.21 (3.91)	9.52 (3.53)	8.12 (4.93)	9.74 (8.25)	14.00 (5.55)	8.56 (5.17)
Post-test mean score	9.86 (15.33)	13.48 (16.17)	7.87 (11.53)	10.26 (12.24)	16.33 (14.09)	9.57 (13.18)
Physical Abuse Subscale						
Pre-test mean score	3.18 (2.91)	5.66 (2.97)	3.32 (2.83)	3.53 (2.63)	5.83 (2.14)	3.77 (2.95)
Post-test mean score	1.21 (2.33)	2.28 (6.65)	0.77 (2.01)	4.42 (7.10)	2.67 (4.72)	1.51 (4.08)
Sexual Abuse Subscale						
Pre-test mean score	0.75 (1.11)	1.52 (1.33)	1.30 (1.63)	1.95 (4.50)	1.67 (1.51)	1.33 (2.01)
Post-test mean score	0.50 (.88)	1.97 (3.43)	1.06 (3.39)	2.05 (3.19)	1.00 (1.55)	1.22 (3.09)
Total Score						
Pre-test mean score	11.14 (6.52)	16.69 (5.67)	12.74 (7.61)	15.52 (13.07)	21.50 (7.12)	13.65 (8.15)
Post-test mean score	11.57 (16.95)	17.72 (22.51)	9.69 (14.95)	16.74 (18.52)	20.00 (16.59)	12.29 (17.22)

1. Changes in Offender-reported Abusive Behaviour after Program Participation

Repeated measures analyses of variance were performed with data from all the program sites combined. When the mean pre-program scores were compared to the mean post-program scores there was no significant change on the ABQ Total score. There was also no significant change on either the Emotional Abuse or the Sexual Abuse subscales, though the Physical Abuse subscale did demonstrate statistically significant reductions over time.¹⁹

Interestingly, the data showed a slight trend toward an increase in emotional abuse. There are at least two possible explanations for this. First, it may be that the offenders are more aware of emotional abuse at the conclusion of the program, and are thus more accurate in their assessment of its frequency. This would lead to an increase in reported emotional abuse that may not be reflective of an actual increase in the occurrence of such abuse. A second possible explanation is that while the offenders decrease their use of physical abuse (the form of abuse for which they can be charged), they may actually become more frequent in their use of emotional abuse. However, this second explanation is not supported by the partner-reported data, which showed a decrease in emotional abuse for a select sub-sample.

2. Changes in Offender-reported Abusive Behaviour by Site

When the ABQ scores from each program location were examined individually, it was found that only participants from the Ottawa program reported significant reductions on the ABQ Total score.²⁰ Participants in most programs (other than London and Hamilton) showed a decrease in physical abuse.²¹ There was no significant change on either the Emotional Abuse or the Sexual Abuse subscales when the data from each program was examined separately.

3. Differences by Site in Offender-reported Abusive Behaviour

In order to address the issue of whether there were any differences among the programs in terms of the level of abuse self-reported by the clients at the time of entrance into the program, the pre-program scores were compared. Analyses of the Total scores show that there was a difference in the amount of abusive behaviour reported by participants at the first assessment period, according to site.²² Offenders from Ottawa and Peel had significantly lower mean scores on the pre-program assessment, compared to the mean scores in Durham and Hamilton. Analyses of the pre-program Physical Abuse

¹⁹ $F = 45.66$, $df = 184, 1$, $p < .01$, for all sites.

²⁰ $F = 4.53$, $df = 102, 1$, $p < .05$.

²¹ $F = 71.84$, $df = 102, 1$, $p < .01$, for Ottawa; $F = 6.00$, $df = 28, 1$, $p < .01$, for Durham; $F = 9.09$, $df = 27, 1$, $p < .01$, for Peel.

²² $F = 3.77$, $df = 184, 4$, $p < .01$.

subscale showed that offenders from the Durham program had higher scores than offenders from Ottawa, Peel, and London, while offenders from Hamilton had higher mean scores than those from Ottawa and Peel.²³ The level of self-reported emotional and sexual abuse did not differ across the sites at the pre-program assessment period.

²³ $F = 5.02$, $df = 184, 4$, $p < .01$.

Victim Views of Abusive Men's Programs

During the victim interviews, respondents who had a partner attending an abusive men's program were asked whether they had been contacted by the program. Unfortunately, this information was not collected systematically, but rather informally.

Of the 17 respondents who were asked about program contact, 35 percent reported they had not been contacted. Twelve percent, or two respondents, reported they had received a letter from the program. The respondents who stated they had not been contacted lived in Peel Region, as were the two who reported receiving only a letter.

Several respondents made comments regarding their partner's behaviour since attending the treatment programs. The majority of responses were positive. A sample of the remarks include:

- "Since attending the program there is a noticeable improvement in his attitude and he is more in control. He talks now."
- "Things are going better now. He has made some very big changes."
- "Since being in the program he is less explosive. I think these courses should be taught in high schools. My son has picked up some of my partner's behaviours."
- "Things are going well. I am very happy with the program."
- "We are still together and things are very good. He has made very positive changes; he plans to continue the course even though he doesn't have to."
- "He is talking a lot more and we listen to what each other is saying."
- "The counselling has helped him deal with his anger. The number of outbursts has really decreased."

There were some respondents who were unhappy with the programs that their partners attended. Four respondents complained that the program facilitators were very harsh, used rude language, and belittled the participants. These comments were made about the Durham Region program. Although some participants clearly found the method unhelpful, others seemed to respond to it, as shown by the fact that several offenders continued to attend when they were no longer required to do so. Complaints about the Salvation Army program in Peel were that the facilitators forced the participants to admit to abusive behaviour that they did not commit. It is important to note that the partners received information about the programs second-hand, from the participants.

Some victims interviewed said that the money to pay for the program was family income and that it was unfair that the victims end up paying for the treatment. In a few cases fees were seen as causing financial hardship.

In summary, the majority of respondents noted positive changes in their partner's behaviour since attending the abusive men's programs. However, these results are particular to the sub-sample of partners who were willing and able to be contacted, and cannot be generalized to all partners of the abusive men's program participants.

Comparison of Offenders from the Early intervention and Coordinated Prosecution Sites

The programs in Ottawa, London, and Hamilton comprise the coordinated prosecution programs and data from Peel and Durham were combined to form what are referred to as the early intervention programs.

Analyses revealed that the programs did not differ in terms of the number of partner contacts made or the number of referrals made to other services. Perhaps indicative of the greater motivation and incentive to complete the abusive men's program successfully, the early intervention programs had a higher rate of completion (89 percent) than did the coordinated prosecution programs (67 percent).²⁴

In terms of offender characteristics, it was found that offenders from the early intervention programs were more likely to be employed (82 percent) compared to the coordinated prosecution model offenders (58 percent).²⁵ Consistent with this, proportionately more of the early intervention offenders fell into the "high" income range (31 versus 8 percent had incomes of \$40,000 or more).²⁶ There were no differences between the groups with regard to education level. The early intervention offenders were slightly older than the coordinated prosecution group.²⁷

When the social history variables were examined it was found that there was no difference between the groups in terms of frequency of receiving treatment for a mental health problem (ever or in the past year), family issues, substance abuse, or anger management. More of the coordinated prosecution program offenders had a current substance abuse problem (13 versus 6 percent).²⁸

Not surprisingly, given the criteria for entry into the early intervention DVC Project, significantly more of the offenders from the coordinated prosecution programs reported previous charges for an assault against the same victim (16 versus 6 percent).²⁹ The coordinated prosecution offenders were also more likely than the early intervention offenders to have a previous charge with a victim other than that of the current offence (16 percent versus 7 percent).³⁰ A larger percentage of the coordinated prosecution offenders had entered into a peace bond as a result of an earlier domestic offence (15 percent versus 4 percent).³¹

²⁴ chi-square = 18.01, df = 1, p < .01.

²⁵ chi-square = 7.58, df = 1, p < .01.

²⁶ chi-square = 69.21, df = 2, p < .01.

²⁷ $t = 1.99$, df = 96.67, p < .05.

²⁸ chi-square = 4.27, df = 1, p < .05.

²⁹ chi-square = 5.46, df = 1, p < .05.

³⁰ chi-square = 9.16, df = 1, p < .01.

³¹ chi-square = 5.32, df = 1, p < .01.

Although having less prior system contact than offenders in the coordinated prosecution sites, many participants in the early intervention programs – consistent with the literature and reports from program staff – were not first time perpetrators of domestic violence. It might be supposed that the early intervention offenders were less likely to have been charged in the past because the disputes had been less serious in nature. However, examination of the Abusive Behaviour Questionnaire responses indicates that, at least for the six months prior to beginning the program, the frequency of physical abuse reported by early intervention offenders was actually higher than that of the coordinated prosecution offenders.³² When the Physical Abuse subscale was reduced to only those items likely to cause injury, or those that involved actual physical contact, the mean score was still higher for the early intervention offenders.³³ It may be that in the early intervention sites, police were not called or charges were not laid until the domestic dispute escalated in severity.

Further analysis of the Abusive Behaviour Questionnaire scores failed to find any significant differences between the groups on either the total score or the Emotional or Sexual Abuse subscales at either pre-program or post-program assessment times. No differences between the groups were found on the Physical Abuse subscale at the post-treatment assessment. Neither of the groups showed a statistically significant change from the pre-assessment to the post-assessment on the Emotional or Sexual Abuse subscales or the Total score. However, both groups showed statistically significant reductions on the Physical Abuse subscale.³⁴ The means and standard deviations for the Abusive Behaviour Questionnaire and its subscales, by Project model, are shown in Table 8.25.

³² $F = 4.35$, $df = 184, 1$, $p < .01$.

³³ $F = 4.06$, $df = 184, 1$, $p < .05$, ($M = 2.39$, $SD = 2.12$ and $M = 1.78$, $SD = 1.77$).

³⁴ $t = 6.06$, $df = 127$, $p < .001$, for the Coordinated Prosecution Programs; $t = 3.48$, $df = 56$, $p < .001$, for the Early Intervention Programs.

Table 8.25 Mean Scores for Abusive Behaviour Questionnaire in the Early Intervention and Coordinated Prosecution Sites, Offender Self-reports

Abusive Behaviour Questionnaire	Early Intervention Programs Mean (SD)	Coordinated Prosecution Programs Mean (SD)
Emotional Abuse Subscale		
Pre-test mean score	8.39 (3.87)	8.63 (5.67)
Post-test mean score	11.70 (15.73)	8.63 (11.81)
Physical Abuse Subscale		
Pre-test mean score	4.44 (3.17)	3.47 (2.80)
Post-test mean score	1.75 (5.00)	1.40 (3.61)
Sexual Abuse Subscale		
Pre-test mean score	1.14 (1.27)	1.41 (2.27)
Post-test mean score	1.25 (2.61)	1.20 (3.30)
Total Score		
Pre-test mean score	13.96 (6.67)	13.52 (8.75)
Post-test mean score	14.70 (20.03)	11.22 (15.78)
Age ¹	35.48 (8.93)	37.82 (10.55)

¹ $t = 2.52$, $df = 238.83$, $p < .01$.

Differences Between Program Completers and Non-completers

This section assesses if there were any differences between offenders who failed to complete treatment versus those who completed the abusive men's program in which they were enrolled.

Offenders who failed to complete the abusive men's program were no different from those who completed the program in terms of income and education level, though program completers were more likely than non-completers to be employed (70 versus 49 percent).³⁵ Offenders who completed the program were also older than those who failed to complete.³⁶ These findings are in keeping with the literature on treatment programs for abusive men.

Additionally, offenders who failed to complete the program were more likely than completers to have been under the influence of alcohol or drugs at the time of the offence (60 percent compared 44 percent).³⁷ There was no statistically significant difference between the two groups with regard to the likelihood of having prior charges with the same victim (14 percent for completers and 8 percent for non-completers). The non-completers were no more likely than completers to have been involved in a prior domestic incident in which the police did not lay charges (32 percent for non-completers and 25 percent for completers). However, non-completers were more likely to have had prior domestic charges against a victim other than the victim of the current offence (22 percent versus 10 percent).³⁸

Offenders who failed to complete did not have statistically higher pre-program Abusive Behaviour Questionnaire scores or higher scores on any other subscales than did offenders who completed the program.

³⁵ chi-square = 9.79, df = 1, p < .01.

³⁶ t = 3.44, df = 197.14, p < .01.

³⁷ chi-square = 4.83, df = 1, p < .05.

³⁸ chi-square = 6.81, df = 1, p < .01.

Offender Perceptions of their Justice System Experience and the Abusive Men's Programs

At the conclusion of the programs, participants were asked by program staff to complete a very short questionnaire asking about their experiences with the police and the courts, and about their views of the treatment program. The research team prepared and distributed copies of the questionnaire to all programs.

Almost three-quarters of the offenders felt they had been treated fairly by the police (Table 8.26). There were differences by site: offenders from Durham were most likely to be satisfied with how they were treated by the police (89 percent); in Peel, considerably fewer respondents were satisfied. One-half of Hamilton offenders were dissatisfied with police treatment. Almost half of the offenders who were dissatisfied (46 percent) stated that the police did not listen to their side of the story. A further 25 percent of the offenders felt they had been treated too harshly and 8 percent believed the police coerced their partner into making a statement. Among the comments made by offenders were that they had been handcuffed, had been pushed by police, "had been treated like a criminal", and "the officer compared me to Paul Bernardo".

Similar results were found when responses to the question "were you treated fairly by the courts?" were examined (Table 8.27). Three-quarters of offenders reported they had been treated fairly by the courts. Offenders from Durham were most likely to be satisfied with how their case had been handled (95 percent of the cases), while offenders from Hamilton were least likely to be satisfied (57 percent). Few offenders provided the reason they felt unfairly treated by the courts, though 14 percent did indicate the sentence was too harsh and 7 percent reported the police report was inaccurate or the judge was not provided with enough information about the case. Comments made by offenders included: it was too long before he was released on bail; he had no input with the justice of the peace at the bail hearing; the cost of separation was too high (i.e., as a result of the non-association condition); the Crown did not read out all the police reports during the court proceedings; the victim's statement was not what she said; and, the offender did not qualify for legal aid and could not afford to retain defence counsel to go to trial.

A similar pattern was found concerning satisfaction with case outcome (Table 8.28). Virtually all of the offenders from Durham region were satisfied with the outcome of their case (99 percent), while only 38 percent of the offenders from Hamilton were happy. The very large majority of offenders in the early intervention sites expressed satisfaction with the outcome of their charges (94 percent), while this was true for only 63 percent of the offenders from the coordinated prosecution sites.

The lower level of satisfaction with the case outcome for offenders from the coordinated prosecution sites is consistent with the finding that these offenders were also less likely to feel they had enough information to make the best decision for themselves. Only 73 percent of the offenders from the coordinated prosecution sites thought they had

enough information, while 88 percent of the offenders from the early intervention sites felt well-informed (Table 8.29).

There were no differences among the sites in participants' satisfaction with the abusive men's programs (Table 8.30). The very large majority of offenders in all locations believed it was a good idea for persons charged with a domestic violence offence to participate in an abusive men's program. As shown in Table 8.31, almost all (97 percent) of the offenders believed the program helped them in some way; 37 percent of those who felt the program had helped them said they had made educational gains and 24 percent believed they had changed their cognition and behaviour towards women.

When asked if their attitudes towards women had changed as a result of participation in the abusive men's program, 88 percent of the respondents answered in the affirmative. For the individual sites, the proportion of offenders who felt their attitudes had changed ranged from a low of 76 percent for participants in London to a high of 99 percent of those in the Durham program. These data are shown in Table 8.32.

In terms of behaviour change, Table 8.33 demonstrates that again, the majority of program participants (91 percent) believed their behaviour towards women changed as a result of program participation. All offenders from the early intervention sites, and most (95 percent) of those from the coordinated prosecution sites felt that they were less likely to use violence again (Table 8.34).

A strong endorsement for the programs is that 96 percent of the offenders said they would recommend the program to someone in a similar position (Table 8.35). However, one offender made this comment:

- The program is effective but it makes no distinction in duration and content regardless of whether someone has been charged with verbal threats, non-violent touching, or severe physical violence. As courts deal differently with different crimes, it seems that a program geared to spousal abuse should also accommodate different degrees of severity of abuse. This could be based on the spouse's description of the abuse or the police report.

Table 8.26 Offenders' Views of the Police Handling of the Incident

	Early intervention sites		Coordinated prosecution sites		
Did police treat the offender fairly?	Peel	Durham	Ottawa	London	Hamilton
No	31.4 11	8.9 7	28.1 41	22.2 8	50.0 4
Yes	62.9 22	88.6 70	68.5 100	77.8 28	50.0 4
Mixed	5.7 2	2.5 2	3.4 5	0	0
Total percent	100.1	100.0	100.0	100.0	100.0
Number	35	79	146	36	8

chi-square = 18.46, df = 8, $p < .05$.

Table 8.27 Offenders' Satisfaction with the Outcome of the Charges

	Early intervention sites		Coordinated prosecution sites		
Was offender satisfied with the outcome of the case?	Peel	Durham	Ottawa	London	Hamilton
No	14.7 5	1.3 1	34.2 51	37.8 14	62.5 5
Yes	82.4 28	98.7 76	65.1 97	62.2 23	37.5 3
Mixed	2.9 1	0	0.7 1	0	0
Total percent	100.0	100.0	100.0	100.0	100.0
Number	34	77	149	37	8

chi-square = 44.71, df = 8, $p < .001$.

Table 8.28 Offenders' Views of the Court's Handling of the Matter

	Early intervention sites		Coordinated prosecution sites		
Was the offender treated fairly by the court?	Peel	Durham	Ottawa	London	Hamilton
No	11.4 4	4.1 3	30.1 44	34.3 12	42.9 3
Yes	88.6 31	94.6 70	68.5 100	65.7 23	57.1 4
Mixed	0	1.4 1	1.4 2	0	0
Total percent	100.0	100.1	100.0	100.0	100.0
Number	35	74	146	35	7

chi-square = 27.54, df = 8, $p < .001$.

Table 8.29 Did the Offender Have Enough Information to Make the Best Choices?

	Early intervention sites		Coordinated prosecution sites		
Did the offender have enough information?	Peel	Durham	Ottawa	London	Hamilton
No	20.0 7	7.7 6	28.9 41	21.2 7	25.0 2
Yes	80.0 28	92.3 72	71.1 101	78.8 26	75.0 6
Total percent	100.0	100.0	100.0	100.0	100.0
Number	35	78	142	33	8

chi-square = 13.58, df = 4, $p < .01$.

Table 8.30 Offenders' Views of Batterer Treatment

	Early intervention sites		Coordinated prosecution sites		
Does offender think it is a good idea for persons in his position to participate in the program?	Peel	Durham	Ottawa	London	Hamilton
No	0	0	1.4 2	0	12.5 1
Yes	97.1 34	100.0 79	98.6 146	94.6 35	87.5 7
Mixed	2.9 1	0	0	5.4 2	0
Total percent	100.0	100.0	100.0	100.0	100.0
Number	35	79	148	37	8

Table 8.31 Offenders' Perceptions of the Help Provided by the Abusive Men's Program

	Early intervention sites		Coordinated prosecution sites		
Does the offender feel that the program helped him?	Peel	Durham	Ottawa	London	Hamilton
No	0	0	2.0 3	2.7 1	12.5 1
Yes	97.1 34	100.0 79	97.3 145	91.9 34	87.5 7
Mixed	2.9 1	0	0.7 1	5.4 2	0
Total percent	100.0	100.1	100.0	100.0	100.0
Number	35	79	149	37	8

Table 8.32 Offenders' Perceptions of the Program's Effects on their Attitudes towards Women

	Early intervention sites		Coordinated prosecution sites		
	Peel	Durham	Ottawa	London	Hamilton
Did the offender's attitudes towards women change as a result of the program?					
No	5.7 2	1.3 1	12.8 19	24.3 9	12.5 1
Yes	85.7 30	98.7 78	85.2 127	75.7 28	87.5 7
Never had a negative attitude	8.6 3	0	2.0 3	0	0
Total percent	100.0	100.0	100.0	100.0	100.0
Number	35	79	149	37	8

Table 8.33 Offenders' Perceptions of the Program's Effects on their Behaviour towards Women

	Early intervention sites		Coordinated prosecution sites		
	Peel	Durham	Ottawa	London	Hamilton
Did the offender's behaviour towards women change as a result of the program?					
No	2.9 1	1.3 1	10.9 16	17.6 6	25.0 2
Yes	97.1 34	98.7 77	89.1 131	82.4 28	75.0 6
Total percent	100.0	100.0	100.0	100.0	100.0
Number	35	78	147	34	8

Table 8.34 Offenders' Perceptions of the Program's Effects on the Likelihood of Future Violence against Women

	Early intervention sites		Coordinated prosecution sites		
	Peel	Durham	Ottawa	London	Hamilton
Does the offender think that he is less likely to use violence?					
No	0	0	4.9 7	5.9 2	12.5 .1
Yes	100.0 35	100.0 78	95.1 137	94.1 32	87.5 7
Total percent	100.0	100.0	100.0	100.0	100.0
Number	35	78	144	34	8

Table 8.35 Would the Offender Recommend this Program to Others Who Have Abused Women?

Would offender recommend this program?	Early intervention sites		Coordinated prosecution sites		
	Peel	Durham	Ottawa	London	Hamilton
No	5.7 2	0	4.8 7	8.8 3	0
Yes	94.3 33	100.0 78	95.2 138	91.2 31	100.0 8
Total percent	100.0	100.0	100.0	100.0	100.0
Number	35	78	145	34	8

Fees and Funding of the Abusive Men's Programs

The fee and funding structure was established by the Ministry of the Solicitor General after consultation with potential contractors. The abusive men's programs submitted estimates of the cost of service provision. Based on these estimates, the Ministry determined that the average of the data submitted was \$850 per participant. The Ministry decided to fund each program a maximum of \$450 per client. The contract amount for each agency varies, depending upon its estimate of costs and estimated amounts to be recouped from participants.

In interviews for this research, most of the programs identified funding as inadequate. The inability of the programs to meet program-related expenses can be attributed to two primary factors – the low referral rate and the fact that many offenders are unable to pay the anticipated fee. According to the information provided to this research, only 53 percent of clients paid the full fee requested, although there are large variations by program.

Since most programs were not able to collect the full amount requested, perhaps fee schedules should be assessed for reasonableness and collection tactics should be modified. For example, in Durham, where there is greatest correspondence between fee requested and fee received, the offenders sign a contract stating that they will not receive a final report for the courts until all outstanding fees are paid unless there are extenuating circumstances. Also, the offenders are required to pay for missed sessions as well as make-up sessions. Not all programs make similar attempts to recoup fees from program participants.

It was our understanding that fees for service were to be scaled by the offender's income. Table 8.36 shows that there is no relationship in Peel between annual income of the referral and the fee for service requested; in London and Hamilton, as well, there is no clear gradation between income and fee (although the numbers are small). Both Durham and Ottawa clearly scale the fee to the client's income.

Table 8.36 The Average Fee Requested by the Income Level of the Offender

Income level of program participant	Early intervention sites		Coordinated prosecution sites		
	Peel	Durham	Ottawa	London	Hamilton
Less than \$20,000	\$425 5	\$111 9	\$97 129	\$171 26	\$278 4
\$20,000-\$39,999	\$391 11	\$208 13	\$223 58	\$376 7	\$490 5
\$40,000 or more	\$415 13	\$614 7	\$400 20	\$391 5	\$370 2

Summary

The most frequently mentioned implementation issue raised by staff of the abusive men's programs was the lower than expected referral rate. This in turn affects funding because of lower fees obtained from the offenders. An issue raised by the analysis in this chapter is the use of a sliding scale for fees based on the participants' annual income. Two of the five programs clearly use such a scale. The Peel Region programs for which we have data (two of the three) ask roughly the same fee regardless of the offenders' income.

Overall, there is little variability among the program participants in terms of social and demographic characteristics. The overwhelming majority of program participants identified English as their primary language; however, in Peel about one-quarter of offenders spoke another language. Almost one-third of the sample had attended university or college and one-third had not completed high school. While alcohol or drugs was involved in the offence in about 40 percent of the cases, the offender admitted to a substance abuse problem in only 12 percent of the cases. Very small percentages of offenders reported that they had received family, anger management, domestic violence, or mental health counselling in the year before their entry into the program. Equally small proportions were referred to treatment programs or services by staff of the abusive men's program.

Information on domestic violence history provided by the offender reveals that one-quarter of the program participants had been involved in a previous domestic dispute where the police did not lay charges.

Differences in program completion rates were found, with offenders from the London program being least likely to complete. The rates ranged from a low of 54 percent (London) to a high of 91 percent (Durham). The most common reason for program failure was missing too many sessions.

The programs did not differ in terms partner contact, with 84 percent of the partners being contacted. Three-quarters of the partners contacted received some form of service from the program, with most receiving telephone contacts. According to the information received by this research, none of the programs met the standard set by the Ministry of the Solicitor General of four contacts per victim while the offender was in the program. This finding could be related to: poor record keeping by the programs; victim refusal to be contacted after the initial one or two calls; program inability to locate victims; or, program inability to place sufficient resources into partner outreach.

When the information was analyzed by DVC Project model, it was found that the program participants from the early intervention sites were slightly older, were more likely to be employed, and had higher annual incomes, compared to the coordinated prosecution program participants. Offenders from the coordinated prosecution programs were more likely to have previous charges against the same victim as well as past victims. This finding is expected since a requirement of the early intervention is that participants have no

past findings of guilt for domestic violence. Fewer early intervention participants were under the influence of alcohol or drugs at the time of the offence and fewer reported having a substance abuse problem. As noted, Peel and Durham offenders were also more likely successfully complete the abusive men's program.

In keeping with reports by early intervention program staff that the offenders referred by the DVC Project were *not* first time abusers, over one-third of the participants from both Peel and Durham reported previous incidents where the police failed to lay charges. Furthermore, according to offender self-reports, 7 percent of the Durham and 5 percent of the Peel offenders had previous charges against the same victim. In addition, 10 percent of the Durham program participants had been charged with a domestic violence offence against another victim.

The program sites differed in terms of the amount of offender-reported abuse perpetrated in the six months before program participation. Offenders from Durham and Hamilton reported more abuse overall than those from Ottawa and Peel.

The analysis of the behaviour checklist (Abusive Behaviour Questionnaire) administered to offenders in the abusive men's programs found that program participants from Ottawa reported significant reductions in abuse overall as well as reductions in physical abuse. In fact, offenders from most programs, except London and Hamilton, reported significant reductions in the perpetration of physical abuse when the six months before program participation were compared to the period in which the offenders were in the program. No significant reductions were found for emotional abuse for any of the programs individually, or when the data from all the programs were combined.

The partners of program participants reported significantly more abuse than what was self-reported by the participants in the six months before program participation. There was little association between what the partners reported and what the participants reported at both the pre-program and post-program assessments. On the other hand, the partners of the participants reported *significant reductions* in the amount of both physical and emotional abuse they experienced at the conclusion of their partners' participation in the batterers' program. At the same time, it is important to note that according to both partner and participant reports, physical and emotional abuse still occurred during program attendance. Unfortunately, there were very few cases with both partner and participant reports, and the results from the partners can not be generalized to the overall sample, or be taken as indicative of the experience of partners of all participants of men's programs in general. A major limitation of this evaluation is the lack of a long-term follow-up period in which more lasting changes (as reported by both partners and participants) could be assessed.

CHAPTER 9: CONCLUSIONS AND RECOMMENDATIONS

This chapter addresses the extent to which the Domestic Violence Courts Projects achieved their objectives during the first 12 to 18 months of operation.³⁹ Using the "logic model" (in Figure 1, Chapter 1) as a guide, we present the findings from the comparison of the processing of domestic violence incidents in five court locations⁴⁰ before and after the Projects began. This "pre-/post" design was supplemented by interviews with victims of domestic violence in five sites; their responses were compared to those of victims from two comparison sites whose cases were being dealt with contemporaneously. The third source of quantitative information was a review the functioning of the abusive men's programs affiliated with the Project at each site. Finally, persons associated with the Project were interviewed at each site to obtain qualitative data on the way the Project was developed and functioned during its first year and a half of operation.

The early intervention Projects in Peel, Durham, and North Bay are for first offenders with no past convictions for domestic violence, who have not perpetrated serious harm against their victims and have not used a weapon. With their consent, the accused are referred to a specialized program for male batterers; if they complete the program successfully, the Crown recommends a conditional discharge with probation.

The coordinated prosecution Projects in Ottawa, London, and Hamilton, on the other hand, process all persons accused of domestic violence offences. Features of this model include specialized domestic violence Crown attorneys, a dedicated court or docket, more thorough investigations by the police, more and better evidence, and more contact between the victim and the Crown and staff of the Victim/Witness Assistance Program.

Organized by the five Project objectives, the first part of this chapter describes the findings with regard to the activities undertaken and their short-term effects. This is followed by a summary of the effects of the Project. The final section presents the recommendations for future criminal justice system approaches to domestic violence offences.

³⁹ In four sites, about 18 months of data were available. In Hamilton, about one year of operation was covered by the data presented here – file data collection for post-Project cases started with cases having their first appearance in June 1998. However, the Hamilton Project did not become fully operational until September 1998 and data collection ended about nine months later.

⁴⁰ Pre- and post-Project information are not reported for the North Bay Project because, when data collection was concluded, only about a dozen offenders had been referred to the abusive men's program in that community.

More Effective Prosecution of Domestic Violence Cases

This objective applies to the coordinated prosecution courts. The activities associated with this objective include the collection of more and improved statements; of 911 audiotaped calls for police assistance made by the victim or others; of videotaped victim evidence; photographs of victim injuries and of the scene of the incident if any damage has been done; and, medical records of the victim if s/he has sought medical treatment. Specialized domestic violence Crowns are to monitor the evidence available, to meet with the victim, where possible, as soon as possible after the incident, and to maintain continuity with that victim by prosecuting the case. According to this model, with the support of the judiciary, a court or docket is set aside for domestic violence matters in order to provide greater administrative control over case processing and facilitate the continuity of Crowns/victims. Crown attorneys recommend that offenders be sentenced to a term of probation that includes a condition to attend a specialized batterers' program, preferably the abusive men's program that is affiliated with the Courts Project.

1. The Availability of Enhanced Prosecution Tools

The evaluation team collected data from Crown briefs and VWAP files to attempt to determine if the availability of enhanced prosecution aids showed a significant increase when the Project cases were compared to cases dealt with in the year previously. Although the analysis was hampered by missing information, the following conclusions can be tentatively drawn.

- *Audiotapes of 911 calls.* In two sites, there was an increase in requests for and receipt of this type of evidence. In one site, Ottawa, over one-half of cases with a 911 call for service resulted in a tape being requested; site respondents said that this request is now routinely made for all audiotapes. In the other site, London, police were requested to provide an audiotape in 13 percent of cases, which was an increase from about 3 percent the year previously.
- *Videotaped victim statements.* In one site, more victims were videotaped after the Project began (the increase was from less than 1 to 13 percent) and in a second, there was a slight increase, from 1 to 6 percent, in the proportion of victims who provided this form of statement. In the third site, London, resource and other considerations have prevented the police service from videotaping victims.
- *Photographs.* In two of the three coordinated prosecution sites, photographs of victim injuries were taken more often after the Project began; the increases were from 16 to 26 percent in one site, and from 10 to 30 percent in the second location. Damage to property either to intimidate the victim or in the course of the assault occurred in 3 to 12 percent of cases, depending on the site. Because of the infrequency of property damage it was not possible to determine with certainty whether there was an increase in photographs after the Project began. For example,

in one site there was an increase in photographs from 0 to 6 percent of damage incidents, but the 6 percent represented only two cases.

- *Medical records of the victim's treatment.* Victims sought and received medical treatment from doctors or emergency departments in approximately one out of ten cases. In two sites there was an apparent increase in the proportion of victims who were asked for their signed consent to release those records. The majority of victims agreed to this request.
- *More written statements from witnesses.* This analysis was especially hampered by missing data. In one site, the number of written statements marginally increased.

In conclusion, more evidence of some type was collected in each site. In the coordinated prosecution sites where "more effective prosecution" applies, respondents agreed that police investigations had improved, at least to some degree, after the start-up of the Project. There remains room for improvement, however; according to respondents, this was particularly true for officers who lack domestic violence training or expertise.

2. Did the Enhanced Prosecution Tools Produce More Effective Prosecutions?

To varying degrees, therefore, more and presumably better quality evidence was available to prosecutors responsible for domestic violence cases. The next logical question is: as is assumed by the Domestic Violence Courts model, did the availability of this evidence affect the Crown's ability to prosecute and obtain desirable outcomes? Multivariate analysis was performed to determine whether the five aids to prosecution listed above affected (a) the likelihood of requesting a trial date, and (b) whether the accused was found guilty on any current charge. Two findings stand out.

First, in all three sites, the larger the *number of written statements*, the greater the likelihood was that the accused would be found guilty. (The relation between number of written statements and requesting a trial date was either absent or much less strong.) However, to some extent, the number of statements is dependent on the number of eye-witnesses, and in roughly one-half of cases in the coordinated prosecution sites the victim was the sole adult witness to the incident. The effects of statements on outcome could be due to the number of witnesses to the incident not to the number of witness statements. Despite this, the finding that the number of statements available influenced case outcomes is a good argument for increased police attention towards obtaining corroborating evidence of the offence by obtaining written statements from eye-witnesses and others who can contribute to the prosecution.

Second, the availability of a *videotaped victim statement* predicted that the accused will plead guilty to the offence and that the accused will be found guilty on at least one current charge. The accused was almost twice as likely to plead guilty if a videotaped statement was taken; moreover, over 70 percent of cases with a videotape resulted in a

guilty finding, compared to 53 percent of other cases. Caution should be used in generalizing these findings because they occurred only in Ottawa, which was the sole coordinated prosecution site with sufficient numbers of videotaped statements to include this factor in the analysis.

The other aids to prosecution did not consistently influence plea type or case outcomes.

Victim photographs did not reduce the likelihood of a not guilty plea; in one site, their presence increased the likelihood of being found guilty. The presence of *medical records* did not affect pleas or outcomes. The lack of influence of these two factors may be the result of their infrequency.

Neither not guilty pleas nor the rates at which accused persons were found guilty were affected by the availability of a *911 audiotape*. The data were quite conclusive on this point: no bivariate (two-way) or multivariate relationships were found between 911 tapes and the nature of the final plea or the case outcome. To Crown attorneys, this may be a counter-intuitive and unexpected finding. Perhaps the existence of a 911 audiotape affected a sub-sample of cases that we could not identify. On the other hand, we do not know what proportion of 911 emergency calls contain convincing evidence of the offence; arguably, Crown perceptions may be skewed by the relatively small percentage of cases where the audiotape contains such evidence.

In summary, of the enhanced prosecution tools, more numerous witness statements, photographs of victim injuries (in one site), and a videotaped victim statement (in one site) influenced case outcomes – the availability of these aids increased the likelihood that the accused would be found guilty.

3. Other Activities Relevant to this Objective

The three coordinated prosecution sites have specialized domestic violence Crowns responsible for charge screening, meeting with victims, liaising with police, and in two sites, prosecuting cases. In one site, the specialized Crown was unable to prosecute all domestic violence cases, because of screening and interviewing workload and because there was no dedicated court or docket for domestic violence cases. In the other two sites, the Crown who met with the victim was frequently not the same Crown who prosecuted the case. A number of victims in Ottawa expressed dissatisfaction with the lack of continuity in Crowns.

Early meetings with victims are a hallmark of the DVC Project. Victim interview data showed that in the coordinated prosecution sites the Crown met with the victim earlier than in the comparison sites where victim interviews were also undertaken. Only one out of ten respondents in the coordinated prosecution courts reported that their first meeting occurred on the day of trial or plea. In contrast, almost one-half of victims in the

comparison sites first met with the Crown on the day of the trial or plea. Of course, scheduling problems will always arise, as will the problem of victims who are reluctant or unable to meet, but there is room for improvement in the Project courts in terms of the timing of Crown-victim meetings, according to information provided by victim interviews.

Early Intervention in Domestic Violence Cases

This objective applies to both early intervention and coordinated prosecution court models. Encouraging early guilty pleas by means of enhanced evidence and by the attraction of the possibility of a bail variation that removes the non-association (with the victim) condition and of a conditional discharge in the early intervention sites are among the activities linked to this objective. In addition, the enrolment of offenders in an abusive men's program should occur very soon after the finding of guilt.

1. Case Processing Times

The assumption is that in the early intervention programs, the accused will plead guilty more quickly because of the possible option of the conditional discharge. This was found to be the case, as processing times significantly decreased in both programs. When guilty plea cases dealt with in the year preceding the Project were compared to the Project participants, in Peel the average number of days from first hearing to the guilty plea hearing went down by 43 percent. In Durham, the drop was 34 percent. One-half of the Project participants in Peel pleaded guilty within three weeks of their first hearing; in Durham, the median (midpoint) was 6.5 weeks.⁴¹ In other words, offenders were screened and informed of the Project option reasonably expeditiously, and their guilty plea occurred more quickly than a comparable group of cases before the Project began.⁴²

Despite the reduction in processing times in Peel and Durham Regions, there was no decrease in the number of hearings required to process Project cases. In fact, because there is an "extra" hearing after program completion at which time the offender receives the sentence, Project cases required more court hearings than did guilty plea cases in the previous year, although the change is statistically significant only in Durham.

In the coordinated prosecution courts, the assumption is that a special court dedicated to the hearing of domestic violence cases will improve case management and therefore speed up the processing of domestic violence matters. The findings are not as straightforward as in the early intervention programs. In London, no dedicated court was established. In Ottawa, a court was set aside for three days a week to hear guilty pleas and trials (unless the trials were anticipated to be lengthy). In Hamilton, a dedicated docket, not a courtroom, was used for domestic cases three days a week.

⁴¹ The differences were very much greater if we compare the Project cases to all cases dealt with in the previous year including those that had a trial date set. The reduction in processing times in Peel was, on average, 73 percent and in Durham, there was a 55 percent decrease in processing times (i.e., days from first hearing to date of adjudication or outcome).

⁴² There is room for improvement in the speed at which cases are processed, especially in Durham. In that court 20 percent of cases required more than two and a half months to plead guilty, and 10 percent required four or more months before the hearing at which the guilty pleas was made. In Peel, 10 percent of cases required three and a half or more months to be processed.

Case processing times went down after the Project began in two of the three sites. In Ottawa, there was a 25 percent reduction in the average number of days to process both guilty plea and not guilty plea cases. In London, there was a reduction of 42 percent in guilty plea processing times, and 24 percent in not guilty plea cases. In both courts, the decrease remained even when other case characteristics were controlled. The finding in Ottawa can be attributed to the development of the Domestic Violence Courts Project – including the start-up of the dedicated court and the addition of two Assistant Crown attorneys to assist in the prosecution of domestic violence matters. In London, the addition of two Crown attorneys and the commitment of the bench to improve processing times were probably influential in the reduction in the number of days from the first to the final hearing.

In the third coordinated prosecution court, Hamilton, analysis found that a pre-/post Project reduction in the time required to process guilty pleas was explained by other case characteristics and therefore cannot be attributed to the DVC Project. There was, however, a 22 percent increase in the days to process not guilty plea matters when pre- and post-Project samples were compared. This change could be accounted for by staff shortages in the Crown's Office. A second and not mutually exclusive possibility is that the introduction of a dedicated domestic violence docket in Hamilton affected, in a negative direction, the time required by trial cases.

2. Prompt Treatment of Offenders

According to data provided by the abusive men's programs, Peel offenders typically⁴³ attended their first treatment session two weeks after the program received the referral. In Durham, offenders went to their first session within one week of referral. Therefore, in the early intervention sites, treatment started soon after the program was notified of the case.

Data from the three programs serving the coordinated prosecution courts showed variations by court location in the time between the receipt of referral by the program and the first session. In Ottawa, the period was typically ten weeks; in Hamilton, seven weeks; and in London, two weeks elapsed between referral and the first treatment session. In Ottawa, the delays may be due to the large number of referrals and, in Hamilton, the delays are related to "closed group" format of the program.

⁴³ By typical we mean the median (midpoint) of the distribution; e.g., one-half of Ottawa offenders took longer than 10 weeks and one-half took less.

Improved Support for Victims

To date, the Project is primarily based in the justice system, although representatives of community-based groups are on most local committees. Most responsibility for activities associated with this objective therefore falls upon police victim services, staff of the Victim/Witness Programs, the Crown, and the abusive men's programs. The specific activities include: providing early, pre-trial/plea support and information to victims; providing safety planning and community resource information; ensuring that the accused has a no contact condition under certain circumstances; and, ensuring ongoing contact with victims when contact with the courts ends – i.e., after a finding of guilt, when their partners are enrolled in the batterers' programs affiliated with the Project.

1. Contacts between Victims and Crown Attorneys and Staff of the Victim/Witness Assistance Program

Victim interviews found that the large majority of victims in the early intervention sites had met with or been contacted by the Crown or VWAP staff within two weeks of the incident (almost one-half) or shortly thereafter (almost 40 percent). As the design of the early intervention program indicates, most victims said they had met with the Crown or VWAP only once. Almost every victim in Peel had been consulted about her partner's participation in the treatment program, compared to 85 percent of Durham victims. Victim objections to the Project were often related to their desire that the charges be dropped, especially in Peel, and not to a preference that the accused be dealt with more severely.

In the coordinated prosecution sites, victims were more likely to have been called first by staff of the Victim/Witness Program than were victims in the comparison sites (88 versus 70 percent). Compared to comparison victims, Project victims had more meetings with a Crown attorney and met with the Crown earlier in the court process. Victims did not necessarily meet with the Crown who prosecuted the matter and this was a source of discontent, particularly among the Ottawa respondents.

In the coordinated prosecution sites, victims felt that they were no better prepared to testify at trial than did victims in the comparison sites – however, 60 percent of victims who testified said that they had been sufficiently prepared.

2. Services to Victims

There are two sources of information on services to victims: data from victim interviews and reports of victim contacts from the abusive men's programs.

Explanations of the court process were provided to the large majority of all victims, including those from the comparison sites; 84 percent of victims from Project sites and 87 percent of comparison respondents had had the process explained.

Over 90 percent of victims in Peel recalled being provided with community service information compared to 78 percent to 84 percent in Durham, Ottawa, and Hamilton. Victims from London were similar to comparison victims in this regard (63 and 66 percent, respectively, reported receiving community resource information). Therefore, with one exception, the Project victims were more likely to receive information on community resources than were those in the comparison group. There were no variations by Project or comparison groups in terms of reported use of community services; depending on the site, from 28 percent (Peel) to 48 percent (Ottawa) used services.

In contrast to the comparison sites, victims from the Project sites were also slightly more likely to report that they had received enough information about the case – 58 to 66 percent said they had received sufficient information from criminal justice officials (police, Crown, VWAP, and probation), compared to 47 percent of the comparison victims.

Almost half of victims in Peel and 38 percent in Durham reported that they had received safety planning; lack of this information had no effect on their feelings of safety, however, since almost all victims said they felt safe at the time of the interview. Over 50 percent of victims in Ottawa and Hamilton remembered discussing a safety plan, compared to 23 percent in London and 39 percent in the comparison group of victims.

The second source of information on services to victims is forms completed by staff of the abusive men's programs on outreach efforts to victims. It was our understanding that the standards of the Ministry of the Solicitor General require contracted abusive men's programs to make four contacts with the victim during the offender's participation in the program.⁴⁴ This works out to about one contact per month. According to information provided by the programs, victims were contacted either in person (very rarely) or by telephone on average between 2.1 and 3.6 times, depending on the program. Some victims interviewed well after their partners had entered the program had not been telephoned. Services provided to the victims of program participants were usually telephone contact and referrals to other community resources.

The data received from some programs suggested that they were not monitoring either contacts or services provided very well. This situation could result from poor record keeping by the programs or poor transmission of program records to this evaluation. It is also possible that some programs do not place as many staff and volunteer resources into victim contacts as desirable. As we learned from the victim interview component of this research, it often takes many telephone calls to contact victims successfully and many are

⁴⁴ However, a review of "Interim Accountability and Accessibility for Male Batterer Programs, Compliance Review Check List" (not dated) does not support this assumption. The requirements refer to "establish contact with the victim" and not a minimum number of contacts.

not reachable during working hours. Another possibility is that, after program staff call once or twice, the victims refuse further contact. On the other hand, the Domestic Violence Courts Project approach depends on the abusive men's programs to continue contact after the offender has been found guilty to ensure the victim's safety and to link her with any needed social or other resources available in the community.

3. Bail Conditions of Non-association with the Victim

After the Projects began, in three of the five sites, there were substantial increases in the proportion of domestic violence cases that had a non-association condition either from the police undertaking or judicial interim release. With the exception of London and Hamilton, over 90 percent of accused had this condition in the post-Project period. In London and Hamilton, the proportions were also high, with about 80 percent of accused having a non-association condition.

In 89 percent of Peel and in 75 percent of Durham cases, bail was varied to remove this condition with victim and Crown consent. Bail variations are a component of the early intervention model. Project participation had an advantage for the accused in that the non-association condition was much more likely to be removed than was the case before the Project began. Most victims wanted the condition removed, citing the expense and child rearing hardships associated with living separately.

In the coordinated prosecution sites, bail variations to remove the non-association condition were much less frequent: from 3 to 13 percent of cases, depending on the court, had this condition removed with the consent of the Crown and at the request of the victim.

4. Breaches of Bail and Probation Violations

There were no quantitative data to establish the extent to which violations of bail and probation were dealt with by way of charge. Anecdotal reports indicate that some offenders breached but were not charged in Durham, Ottawa, and London. The breach usually involved non-attendance at the abusive men's program.

Increase Offender Accountability

Enhanced evidence is expected to encourage early guilty pleas. Bail conditions that require the accused not to contact the victim until acknowledgement of responsibility (a finding of guilt) may contribute to this objective. The use of specialized treatment programs for offenders and monitoring of the offenders' attendance and behaviour while in treatment are also components. Other conditions of bail and probation are to be monitored and violations dealt with promptly by means of breach charges.

Two of these activities were discussed above and can be summarized as:

1. Enhanced evidence of some kind was available in the coordinated prosecution sites, but there was room for improvement in the three Project locations.
2. Over 80 percent of cases in all Project locations involved a non-association with the victim condition.

Greater offender accountability was achieved in the early intervention programs in that all accused who entered the program pleaded guilty; in the year preceding Project inception, only about 45 percent of similar offenders were found guilty. In the coordinated prosecution Projects, there was a statistically significant increase in the proportion of guilty findings in Hamilton.

The use of specialized programs as a condition of bail (early intervention programs) or as a condition of probation (coordinated prosecution sites) is an essential component of this objective.

There are no quantitative data from the coordinated prosecution sites on the extent to which Crown attorneys recommend to the court that the offender be referred to the abusive men's program. Qualitative data from interviews with system and program personnel suggest that not all Crowns may make this recommendation (i.e., Crowns other than the specialized domestic violence Crowns).

Nor are there complete data available on the extent to which offenders were referred to the abusive men's programs affiliated with the Project. Unfortunately, files frequently lacked information on whether the offender was referred to a specialized treatment program and it was not possible to compare the pre-/post changes in the proportions of referrals.⁴⁵ Moreover, most abusive men's programs could not provide us with precise numbers of Project referrals.⁴⁶

⁴⁵ There was no change over time in the proportion of sentenced cases that included a probation order (roughly 85 percent in Ottawa, two-thirds in London, and over 90 percent in Hamilton in both pre- and post-Project periods).

⁴⁶ The Ottawa abusive men's program had approximately 350 DVC referrals; this is probably a reasonably accurate figure for a 14 month period (July 1998 to September 1999). The London program gave us information on 102 cases. Information on only 11 cases was provided by Hamilton.

One issue is that not all offenders received a probation order that specifies attendance at an abusive men's program. The court in London frequently ordered a general treatment condition at the discretion of the probation officer; some but not all of these offenders were referred to the contracted program. The large number of DVC Project referrals to the program in Ottawa suggested that, even if the probation order did not specify the program, many probation officers referred the offender to New Directions. In Hamilton, the small number of referrals to the contracted program suggested that many offenders were referred to other programs, such as a shorter program that does not charge offenders a fee for service. This is an area that must be considered in any expansion of the Domestic Violence Courts Project; that is, negotiations with probation staff should include discussions of the criteria to be used for referrals to the abusive men's programs that are associated with the Project.

The Achievement of Project Objectives: A Summary

The effects of the Domestic Violence Courts Project are summarized in this section. It must be emphasized that these findings may not be representative of longer term effects. Systems are slow to change and a lengthier period of assessment would have been desirable. The information on the first year to year and a half of functioning may not be a fair test of the two models in achieving their objectives. Some findings may not be representative of the longer term operations of the Projects.

1. Faster Court Processing

In both early intervention courts and in one coordinated prosecution court, case processing times for domestic violence cases significantly decreased and the reductions can be attributed to the Domestic Violence Project. In the second coordinated prosecution court, the reduction in number of days required to process domestic cases may be due to the addition of two assistant Crown attorneys. In the third coordinated prosecution court, there was a significant *increase* in the time required to process not guilty plea cases (i.e., cases set for trial).

2. More Guilty Pleas and Guilty Findings

In the early intervention courts, all Project participants pleaded guilty, as this is a prerequisite of participation in the program. This total can be compared to the year earlier, when guilty findings made up about 45 percent of the total outcomes for a similar group of offenders.

In Ottawa and London, there were no statistically significant changes pre- versus post-Project in the percentages of cases that pleaded guilty or that were found guilty. However, in Ottawa, there was a non-significant increase, from 49 to 57 percent, in the proportion of cases that pleaded guilty. In the same court, the percentage of accused who changed their plea from not guilty to guilty increased (also insignificantly in statistical terms) from 25 to 35 percent. It is possible that the Project was responsible.

In Hamilton, there was a statistically significant increase in the percentage of cases that were found guilty after the Project began, from 51 to 64 percent. There was a corresponding decrease in the percentage of cases where the accused entered into a peace bond. This change was part of a deliberate policy on the part of the Crown. In cases where the accused was a first offender, no significant injury was done to the victim, and the accused agreed to plead guilty, the Crown recommended a conditional discharge with a condition to attend treatment.

Therefore, there was an increase in guilty findings in one court and in another there was a marginal increase in guilty pleas.

3. Victims Who Are More Cooperative with Court Proceedings

A third indicator of objective achievement is whether there were changes after the Project began in the victim's willingness to testify against the accused and to otherwise cooperate with the prosecution. This information came from notes in Crown briefs. There were no significant changes over time in the three sites.

4. More Domestic Violence Treatment

The expectation of the Project design was that larger proportions of offenders would be referred to a specialized program for male abusers. There were no data to determine with certainty whether there were changes in the expected direction. In Ottawa, there probably was an increase in offenders receiving specialized treatment, as shown by the large number of referrals to the program in that community.

Another source of information on offender treatment was victim interviews. Respondents were asked if their partners or ex-partners had been referred to a treatment program. Respondents often could not differentiate between an abusive men's program and other types of treatment such as anger management. With this caveat, a slightly larger percentage of Project victims compared to those in the comparison sites reported that their partners or former partners had been referred to treatment. The exception was Hamilton, where only a small percentage of offenders had been so referred.

Effective treatment also involves speedy referral to treatment. Time delays in placing offenders in the specialized treatment programs were found in two programs serving two coordinated prosecution courts. On average, two or more months elapsed between the receipt of the referral and the start of the treatment intervention in Ottawa and Hamilton. The abusive men's programs in the other sites succeeded in placing offenders in treatment within two weeks of referral.

No data on the official recidivism of offenders were available to this evaluation. However, offenders were asked to self-report their abusive behaviour before and after their participation in the specialized treatment program. Offenders' self-reports of physical abuse decreased after program participation in some of the programs.⁴⁷ Somewhat surprisingly, although there were significant reductions in self-reported physical abuse, at program conclusion offenders still reported an average of 1.5 incidents of physical abuse in the past six months, i.e., while they were in the program. The offenders reported, on average, 0.7 to over 4 incidents of physical abuse, depending on the site. It is probable that some of these incidents could have resulted in charges being laid.

⁴⁷

These decreases cannot be taken at face value because other analyses of the behaviour checklist completed by the offenders' partners found no relation between self-reports by the offenders and victim reports.

A promising finding is that a small sample of victims of program participants reported significant reductions in the amount of both physical and emotional abuse that they experienced after the offenders had participated in an abusive men's program. Unfortunately, there were very few cases with both victim and offender reports. These results cannot therefore be generalized to the overall sample, or be taken as indicative of the experience of the victims of all participants of men's programs in general.

Success/failure to complete the abusive men's program can be considered as another indicator of achievement of this objective. The proportions of Peel and Durham offenders who failed to complete the abusive men's program were 15 and 9 percent, respectively. In the coordinated prosecution sites, failures ranged from 27 to 46 percent of referrals, depending on the program. The most common reason for not completing the program was missing too many sessions. The abusive men's programs were unable to provide information on what happened to the dropouts. The program would inform the Crown or the probation officer of the failure, but would not be informed of the action taken.

The lack of consequences for offenders who breach their conditions of bail or probation by failing to complete the abusive men's program is a problem identified in several Project locations.

5. Greater Victim Satisfaction and Feelings of Safety

Victim interviews are the source of information on these indicators of objective achievement. There were no differences between Project victims and comparison respondents in the percentage who reported that (a) they were treated fairly by the Crown attorney or Victim/Witness Program staff; (b) they felt supported by the Crown and VWAP staff. The majority in all sites felt that they had been treated fairly and had been offered sufficient support. (However, VWAP staff had higher satisfaction ratings than did Crown attorneys.)

The victims in the early intervention sites were significantly more likely to be satisfied with the case outcome than were other victims. In the early intervention sites, over 80 percent were satisfied with the outcome, whereas in the coordinated prosecution and comparison sites the proportions ranged from 42 to 64 percent depending on the site. The most frequent reasons for dissatisfaction in the latter groups were that the sentence was insufficiently severe or that the accused had not been found guilty.

Victims from the early intervention sites reported feeling safer than did other victims, but a closer examination of the data found that this finding was explained by the nature of the couple's relationship at the time of interview. In all sites, a larger percentage of victims who had remained with their partner felt safe when compared to victims who were no longer with their abuser. That is, the victims who did not feel safe were no longer in an intimate relationship with their abuser. None of the early intervention victims who

were with their abuser reported feeling unsafe. This can be compared to almost half of those who were no longer with their abuser.

Overall, in the coordinated prosecution sites, from 53 percent (Hamilton) to 75 percent (Ottawa) of victims reported feeling safe. In the comparison sites, 63 percent of victims interviewed said they currently felt safe. Therefore, there is no difference between victims whose cases were dealt with by Project and comparison courts.

In summary, there were few differences in victim feelings of fair treatment, support, and safety when the victims whose cases were dealt with by the Project were compared to those in comparison sites. Most victims in all sites believed that they had been treated fairly and had received adequate support. Victim satisfaction with case outcome was higher in the early intervention than in the coordinated prosecution programs.

Recommendations

Establishing Court-based Domestic Violence Projects

- ◆ Consider the benefits of blending the early intervention and coordinated prosecution models in all locations.
- ◆ Establish a mechanism for provincial senior management participation and inter-sectoral problem-solving.
- ◆ Develop model provincial policies, procedures, and protocols for all sectors involved in the Projects, which can be adapted to meet local needs.
- ◆ Provide sufficient start-up time for policies, procedures, and protocols to be adapted in each community.
- ◆ Encourage the participation of all sectors (police, Crown attorneys, Victim/Witness Assistance Program staff, abusive men's programs, and Probation and Parole) in initial decision-making and ongoing operations of the Projects. This participation and the ensuing coordination that should result are essential in every Project.
- ◆ Consider the benefits of greater involvement of local violence against women agencies in the Projects.
- ◆ Elicit judicial support for dedicated courtrooms to ensure greater consistency in Crowns and to promote early resolution of cases.
- ◆ Aim for more consistency in the operation of the Domestic Violence Courts.
- ◆ Improved victim safety should be included as an objective in these Projects.

Policing Services

- ◆ Encourage police to undertake more thorough investigations in domestic violence.
- ◆ Consider provincial guidelines in police practices related to investigating domestic violence situations.
- ◆ Provide patrol officers with more training on domestic abuse investigations, on the risk factors associated with reoffending, and on interviewing victims of domestic abuse.
- ◆ In police training, emphasize the importance and effectiveness of obtaining as many witness statements as possible.
- ◆ Consider results-based financial incentives, such as the number of videotaped statements taken, to policing services to improve their investigations.
- ◆ Discuss with senior management in policing services the need to lay bail violation charges when the offender does not attend the batterers' program as required and establish a protocol or memorandum of understanding in this regard (early intervention programs).
- ◆ Expand the role of police victim service units in contacting victims as soon as possible after the incident. Ensure that notes of these contacts are placed in Crown briefs.

- ◆ The services that lack a domestic violence coordinator should consider establishing this position, if a specialized team of domestic violence detectives is not deemed viable.

Services to Victims

- ◆ Ensure that victim services and batterers' program staff who contact victims have up-to-date information on community services, especially on waiting lists, any fees required, entry criteria, and the exact nature of the services offered.
- ◆ Consider more or improved coordination between the police victim service units and VWAP, and clarify their respective roles and responsibilities.
- ◆ Ensure that all victims receive information about community resources and safety planning. Mail an information package to victims who do not wish to meet with VWAP staff or who cannot be contacted by telephone.
- ◆ Prepare a short, straightforward description of the court process directed towards victims, including definitions of terms commonly used. Distribute information packages via mail if victim does not meet with court staff. Public Legal Education and Information (PLEI) organizations may be able to assist in the development of a pamphlet.
- ◆ Target more outreach and support efforts to victims who are in a longer term, conjugal relationship with the accused, particularly if the charges are serious or there are indications that the abusive is repetitive. This group tends to be less willing to cooperate with court processing. (This does *not* mean that other victims should be ignored; there is abundant evidence that estranged and separated victims are at high risk of re-abuse.)
- ◆ Continue to improve Victim/Witness Program contacts with victims especially to keep them informed of the case's progress through the courts.
- ◆ Consider establishing after-hours meetings with victims if an assessment of need shows that such meetings are warranted.
- ◆ Some victims require more proactive advocacy efforts than can appropriately be provided by system personnel, and others would prefer to talk to persons who are not so directly associated with the system as are the Crown and VWAP staff. Consider developing contractual relationships with community agencies to give priority to assist this client group.

Crown Attorneys and the Courts

- ◆ Consider training for all Crown attorneys on prosecuting domestic cases, including at least minimal training on interviewing victims of domestic abuse.
- ◆ Review criteria for removing non-association conditions in coordinated prosecution sites (when victims request removal of this condition) and consider giving Crown attorneys more guidance in the decision to consent to their removal.

- ◆ Review Crown policies concerning recommendations for prohibitions against firearm possession as a condition of bail and at sentencing.
- ◆ Liaise with the judiciary towards the establishment of dedicated courts for domestic violence cases. Develop case management procedures to ensure that all cases of domestic violence are dealt with by that court.
- ◆ Develop policies and procedures that ensure that "vertical prosecution" – the same Crown handling the case to its conclusion – is the norm.
- ◆ Improve case management to speed up the processing of domestic violence cases and to ensure that breach charges are dealt with simultaneously as the substantive charges, where feasible.
- ◆ Establish systems in early intervention programs so that the victim *and* the accused can be consulted as soon as possible after the case is deemed appropriate for the program. A faster method of informing the accused of the option of conditional discharge is needed.
- ◆ Monitor and review guilty pleas, trial rates, outcomes, and referrals to abusive men's programs in coordinated prosecution courts.

Probation Services

- ◆ Include Probation and Parole as an essential partner in each Project location.
- ◆ Consider the development of specialized probation officers responsible for supervision of domestic violence offenders and liaison with abusive men's programs. In the United States, coordinated approaches to domestic violence frequently include specialized probation officers.
- ◆ Develop mutual protocols for information-sharing with the abusive men's programs and Probation and Parole to ensure that information is transmitted between the programs and Probation and Parole. This should be formalized in the written contract with the abusive men's programs.
- ◆ Staff of Probation and Parole and the abusive men's programs should receive training on the mutual protocols.
- ◆ Probation and Parole should develop procedures/training to ensure compliance with the "Community Corrections Protocol for Partner Abuse Cases".

Treatment for Abusers

- ◆ There is the assumption that one type of treatment suits all abusers, which is contrary to what we know about correctional interventions. Better screening by probation and batterers' program staff is required. Case conferences involving both probation officers and program staff could improve decision-making about the type of treatment most appropriate in specific cases.
- ◆ A more systematic approach to risk assessment is required, particularly if probation is not involved.

- ◆ If user fees for offenders remain, ensure that programs consistently use a sliding scale based on income (and perhaps expenses) to establish the fee for service.
- ◆ Programs that have a longer than a three-week wait between receipt of referral and the date of the first session should establish procedures to speed up the entry process.
- ◆ Ensure that victim safety is a priority of the treatment programs. Partner outreach components of batterers' programs should be expanded to ensure that victims are contacted at least once a month by telephone. Better record keeping may be required, e.g., record why victims are not contacted. Inform the victim by mail, if necessary, if the offender leaves the program before its conclusion and when the offender completes the program.
- ◆ Ensure that all programs are aware of the evidentiary requirements for probation to lay breach of probation charges (e.g., signed and dated attendance sheets).

Research

- ◆ Follow-up offenders for recidivism, including the differences in official reoffending between the early intervention and coordinated prosecution programs.
- ◆ Establish an ongoing system for data collection to monitor and evaluate outcomes over an extended period of time.
- ◆ Include Probation and Parole in future data collection and research efforts.

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APPENDIX A:**TABLES ON CASE CHARACTERISTICS**

Social and Demographic Characteristics of Accused and Victims

Table A.1 Sex of the Accused in the Enhanced Prosecution Sites

	Ottawa		London		Hamilton	
	Pre-program	Post-program	Pre-program	Post-program	Pre-program	Post-program
Male	99.5 199	93.9 307	94.2 131	92.1 269	99.2 128	97.8 224
Female	0.5 1	6.1 20	5.8 8	7.9 23	0.8 1	2.2 5
Total percent	100.0	100.0	100.0	100.0	100.0	100.1
Number of cases	200	327	139	292	129	229

Note: All accused persons in the early intervention sites were male.

Table A.2 Age of the Accused and the Victim

	Peel		Durham	
	Pre-program	Post-program	Pre-program	Post-program
Age of the accused				
Mean	36	37	37	37
Median	35	36	37	37
Number of cases	74	131	68	112
Age of the victim				
Mean	34	35	34	35
Median	34	35	33	35
Number of cases	87	128	68	111

	Ottawa		London		Hamilton	
	Pre-program	Post-program	Pre-program	Post-program	Pre-program	Post-program
Age of the accused						
Mean	35	37	33	35	36	37
Median	33	36	33	34	35	35
Number of cases	198	321	137	291	129	228
Age of the victim						
Mean	33	34	32	32	34	34
Median	33	33	30	31	34	34
Number of cases	37	300	38	246	129	225

Note: The pre-/post program difference in the age of the accused in Ottawa is statistically significant; t-test, $t = -2.13$, $df = 517$, $p < .04$.

Table A.3 Place of Birth of the Accused

	Peel		Durham	
	Pre-program	Post-program	Pre-program	Post-program
Canada	18.9 14	26.7 35	57.4 39	59.3 67
Elsewhere	54.1 40	59.5 78	30.9 21	26.5 30
Not known	27.0 20	13.7 18	11.8 8	14.2 16
Total percent	100.0	100.0	100.0	100.0
Number of cases	74	131	68	113

	Ottawa		London		Hamilton	
	Pre-program	Post-program	Pre-program	Post-program	Pre-program	Post-program
Canada	9.5 19	44.0 144	65.5 91	63.0 184	5.4 7	3.1 7
Elsewhere	5.0 10	11.9 39	18.7 26	19.9 58	4.7 6	7.5 17
Not known	85.5 171	44.0 144	15.8 22	17.1 50	89.9 116	89.5 204
Total percent	100.0	100.0	100.0	100.0	100.0	100.1
Number of cases	200	327	139	292	129	228

Note: The Ottawa pre-program totals include instances where it is not known if a victim made a statement.

Table A.4 Nature of the Relationship between the Accused and the Victim: Were the Couple Estranged or Separated?

	Peel		Durham	
	Pre-program	Post-program	Pre-program	Post-program
Not estranged	80.8 59	94.7 124	74.2 49	88.4 99
Yes estranged, separated, divorced	19.2 14	5.3 7	25.8 17	11.6 13
Total percent	100.0	100.0	100.0	100.0
Number of cases	73	131	66	112

	Ottawa		London		Hamilton	
	Pre-program	Post-program	Pre-program	Post-program	Pre-program	Post-program
Not estranged	72.1 119	64.6 206	72.6 98	65.1 188	58.4 73	68.0 153
Yes estranged, separated, divorced	27.9 46	35.4 113	27.4 37	34.9 101	41.6 52	32.0 72
Total percent	100.0	100.0	100.0	100.0	100.0	100.0
Number of cases	165	319	135	289	125	225

Note: The Peel and Durham data are significant. Peel: chi-square = 9.72, df = 1, $p < .003$. Durham: chi-square = 5.93, df = 1, $p < .02$.

The Prior Record and Current Legal Involvement of the Accused

Table A.5 Prior Convictions (Findings of Guilt)

Did the accused have any prior <i>Criminal Code</i> convictions?	Peel		Durham	
	Pre-program	Post-program	Pre-program	Post-program
No	94.6 70	92.1 116	71.6 48	66.7 74
Yes	5.4 4	7.9 10	28.4 19	33.3 37
Total percent	100.0	100.0	100.0	100.0
Number of cases	74	126	67	111

Did the accused have any prior <i>Criminal Code</i> convictions?	Ottawa		London		Hamilton	
	Pre-program	Post-program	Pre-program	Post-program	Pre-program	Post-program
No	40.9 65	44.4 144	32.1 42	34.1 98	33.9 43	37.4 85
Yes	59.1 94	55.6 180	67.9 89	65.9 189	66.1 84	62.6 142
Total percent	100.0	100.0	100.0	100.0	100.0	100.0
Number of cases	159	324	131	287	127	227

Note: In just over 20% of the Ottawa pre-program cases it was not known if the accused had any prior guilty findings; these cases are excluded from the total.

Table A.6 Number of Prior Convictions (Findings of Guilt)

	Peel		Durham	
	Pre-program	Post-program	Pre-program	Post-program
None	94.6 70	88.5 116	70.6 48	65.5 74
1-2	5.4 4	0.8 1	0	1.8 2
3-5	0	0	0	0.9 1
6 or more priors	0	0	0	0
Not known	0	10.7 14	29.4 20	31.9 36
Total percent	100.0	100.0	100.0	100.1
Number of cases	74	131	68	113

	Ottawa		London		Hamilton	
	Pre-program	Post-program	Pre-program	Post-program	Pre-program	Post-program
None	33.0 66	43.9 143	30.2 42	33.6 98	33.3 43	38.0 87
1-2	5.5 11	15.3 50	10.1 14	16.4 48	17.1 22	15.7 36
3-5	2.5 5	10.7 35	5.8 8	10.6 31	10.1 13	11.8 27
6 or more priors	3.0 6	18.4 60	5.0 7	32.5 95	17.1 22	16.2 37
Not known	56.0 112	11.7 38	48.9 68	6.8 20	22.5 29	18.3 42
Total percent	100.0	100.0	100.0	99.9	100.1	100.0
Number of cases	200	326	139	292	129	229

Table A.7 Number of Prior Convictions, Post-program in the Enhanced Prosecution Sites

	Ottawa	London	Hamilton
None	49.7 143	36.0 98	46.5 87
1-2	17.4 50	17.6 48	19.3 36
3-5	12.2 35	11.4 31	14.4 27
6 or more priors	20.8 60	34.9 95	19.8 37
Total percent	100.1	99.9	100.0
Number of cases	288	272	187

Note: Chi-square = 31.61, df = 6, $p < .001$.

Table A.8 Prior Convictions for Domestic Violence

	Peel		Durham	
Did the accused have any prior domestic violence convictions?	Pre-program	Post-program	Pre-program	Post-program
No	100.0 74	100.0 131	72.1 49	77.9 88
Yes	0	0	0	0.9 1
Not known	0	0	27.9 19	21.2 24
Total percent	100.0	100.0	100.0	100.0
Number of cases	74	126	67	111

	Ottawa		London		Hamilton	
Did the accused have any prior domestic violence convictions?	Pre-program	Post-program	Pre-program	Post-program	Pre-program	Post-program
No	40.0 80	73.3 239	41.7 58	66.4 194	51.2 66	58.1 133
Yes	13.0 26	14.7 48	7.2 10	19.9 58	18.6 24	21.4 49
Not known	47.0 94	12.0 39	51.1 71	13.7 40	30.2 39	20.5 47
Total percent	100.0	100.0	100.0	100.0	100.0	100.0
Number of cases	200	326	139	292	129	229

Table A.9 Prior Convictions for Domestic Violence, Post-program in the Enhanced Prosecution Sites

	Ottawa	London	Hamilton
No	83.3 240	77.0 194	73.1 133
Yes	16.7 48	23.0 58	26.9 49
Total percent	100.0	100.0	100.0
Number of cases	288	252	182

Notes: Chi-square = 7.51, df = 2, $p < .03$.

The cases with missing offence histories have been excluded from the totals.

Table A.10 The Date of the Most Recent Domestic Violence Conviction and the Identity of the Victim, in the Enhanced Prosecution Sites

	Ottawa		London		Hamilton	
	Pre-program	Post-program	Pre-program	Post-program	Pre-program	Post-program
Date of the most recent conviction						
1999	0	0	0	3.4 2	0	2.1 1
1998	0	29.8 14	0	17.2 10	4.8 1	46.8 22
1997	21.7 5	31.9 15	28.6 2	24.1 14	23.8 5	29.8 14
1996	34.8 8	14.9 7	57.1 4	8.6 5	14.3 3	8.5 4
1995	21.7 5	8.5 4	0	1.7 1	33.3 7	0
1994 or earlier	21.7 5	14.9 7	14.3 1	44.8 26	23.8 5	12.8 6
Total percent	99.9	100.0	100.0	99.8	100.0	100.0
Number of cases	23	47	7	58	21	47
Identity of the victim in the most recent conviction						
Same victim as in current offence	88.9 16	91.3 42	71.4 5	76.8 43	76.2 16	83.7 36
Prior partner	11.1 2	8.7 4	28.6 2	23.2 13	23.8 5	16.3 7
Total percent	100.0	100.0	100.0	100.0	100.0	100.0
Number of cases	18	46	7	56	21	43

Note: Missing data are excluded from both panels.

Table A.11 The Legal Involvement of the Accused on the Date of the Offence, Post-program in the Enhanced Prosecution Sites

	Ottawa	London	Hamilton
No current involvement	74.1 234	78.8 223	71.9 164
On bail	9.8 31	7.4 21	5.7 13
On probation	13.9 44	10.2 29	18.0 41
Restraining order	0.3 1	0.4 1	1.3 3
Other (e.g., on parole, wanted on another offence)	1.9 6	3.2 9	3.1 7
Total percent	100.0	100.0	100.0
Number of cases	316	283	228

Notes: The cases with missing data are excluded from the totals.

Table A.12 Was the Accused Charged with Bail Breach? Post-program in the Enhanced Prosecution Sites

	Ottawa	London	Hamilton
No	86.9 284	89.7 262	93.4 214
Yes, charged with 1+ breach of undertaking, etc.	13.1 43	10.3 30	6.6 15
Total percent	100.0	100.0	100.0
Number of cases	327	292	229

Notes: Chi-square = 6.31, df = 1, p<.05.

These data are probably under-estimates of the total bail breach cases.

